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**SENATE COMMITTEE ON RULES AND ELECTIONS**

**April 1, 1997 Hearing Room 343**

**3:00 PM Tapes 30 - 32**

**MEMBERS PRESENT:**

**Sen. Randy Miller, Chair**

**Sen. Gene Derfler, Vice-Chair**

**Sen. Neil Bryant**

**Sen. Randy Leonard**

**Sen. Cliff Trow**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Jan Nordlund, Administrator**

**Brian Krieg, Administrator**

**Jennifer Peck, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Introduction of Committee Bills**

**SJR 5 Work Session**

**SB 138 Work Session**

**SB 850 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 30, A</b>		
003	Chair Miller	Opens meeting at 3:10 p.m. and opens work session for introduction of measures for approval.
<b><u>INTRODUCTION OF COMMITTEE BILLS</u></b>		
009	Jan Nordlund	Committee Administrator. Lists the LCs for possible introduction.
025	Sen. Miller	<b>MOTION: Moves LC 4290 dated 3/28/97 be referred to Agriculture and Natural Resources Committee, LC 2921 dated 2/3/97 BE INTRODUCED as a committee bill, and that draft and introduction requests from Sen. Lim and two draft and introduction requests from Sen. Stull be approved.</b>
	Chair Miller	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>LC 2921 is introduced as SB 1183.</b>
030	Chair Miller	Closes work session and opens work session on SJR 5.
<b><u>SJR 5 WORK SESSION</u></b>		
032	Chair Miller	<b>Motion: Chair Miller moves SJR 5 be referred to the Senate Committee on Trade and Economic Development without recommendation as to passage.</b>
	Chair Miller	<b>Hearing no objection, declares the motion CARRIED.</b>
036	Chair Miller	Closes work session on SJR 5 and opens work session on SB 138.
<b><u>SB 138 WORK SESSION</u></b>		
038		Staff presents the board confirmation list and the proposed-3 amendments ( <b>EXHIBIT A</b> ).
048	Sen. Trow	Asks if the eliminated groups have been notified.
051	Nordlund	States the boards were contacted Explains the changes

059	Sen. Derfler	<b>MOTION: Moves to ADOPT SB 138 -3 amendments dated 4/1/97.</b>
	Chair Miller	<b>Hearing no objection, declares the motion CARRIED.</b>
060	Sen. Derfler	<b>MOTION: Moves SB 138 to the floor with a DO PASS AS AMENDED recommendation.</b>
	Chair Miller	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. DERFLER will lead discussion on the floor.</b>
065	Chair Miller	Closes work session on SB 138 and opens public hearing on SB 850.
<b><u>SB 850 PUBLIC HEARING</u></b>		
086		Staff presents public letters submitted prior to meeting ( <b>EXHIBIT K</b> ).
087	Sen. Leonard	Requests to hear opening comments on SB 850.
099	Jim Elvin	Retired state worker. Supports SB 850.
103	Bill Sizemore	Oregon Taxpayers United. Supports SB 850.
107	Elvin	Discusses the fair share concept.
118	Sen. Leonard	Asks for clarification of what SB 850 will change.
120	Elvin	Comments on the fair share money of those who do not belong to unions.
131	Sen. Leonard	Asks what the deletions will accomplish.
141	Sen. Derfler	Suggests counsel can describe what SB 850 will do.
145	Sizemore	Explains what SB 850 does.
157	Sen. Leonard	Asks what the reason is behind introducing SB 850.
159	Elvin	Explains current fee payments to unions through the state. States SB 850 provides help to people who do not belong to the union. Discusses the union's methods for getting signatures. Cites an example of gathering signatures while the union tried to impede the process.
223	Elvin	States people could not vote unless they joined the union.
233	Sen. Leonard	Asks about the payroll deduction section of SB 850.
249	Elvin	States he cannot explain the reasons for that section.

253	Sizemore	Discusses limiting fair share and payroll deduction of dues. Discusses withholding money from employees' paychecks. States national and Oregon poll statistics.
301	Sen. Leonard	Asks why we do not allow people to let their dues be deducted by the employer.
321	Sizemore	States many people want to be part of a union, but do not want to support the political agendas of the union.
344	Sen. Leonard	Asks if SB 850 is due to the political agendas of unions.
350	Sizemore	States we should not allow public resources and public money to be used to collect for organizations which use the money for political agendas.
398	Sizemore	Explains people should be allowed to have differing political views even though they work in the same conditions. States labor unions should not be allowed to use the government's resources to collect money for their agendas.
417	Sen. Leonard	Asks if Sen. Derfler's opinions are summarized by Sizemore.
421	Sen. Derfler	Responds he agrees with these points.
426	Sizemore	States he tried to place measure 10 on the 1996 ballots.
<b>TAPE 31, A</b>		
002	Sizemore	Describes behavior of "blockers" from unions who kept people from signing petitions for measure 10. States there was a financial effort to keep people from signing petitions for measure 10. States those who wish to join unions may do so freely.
041	Chair Miller	Asks if SB 850 would prohibit anyone from contributing to any political cause.
043	Sizemore	States SB 850 does not take any political freedom of choice away from public employees.
050	Sen. Leonard	Speaks from the witness stand. Presents and reads a letter from legislative counsel ( <b>EXHIBIT L</b> ) in opposition to SB 850. Discusses the dues check-off portion of SB 850. States this treats unions different constitutionally from other organizations.
108	Sen. Leonard	Continues to read the exhibit.
154	Sen. Leonard	States the Oregon constitution allows for an equal playing field, yet SB 850 discriminates against unions.
174	Sen. Bryant	Asks about policy of government collecting funds for political purposes.
180	Sen. Leonard	States there are restrictions in the Federal and Oregon constitutions.
		Asks if it would be possible for Oregon to set a policy stating

186	Sen. Bryant	Oregon will not collect political money for any institution.
198	Sen. Leonard	States if all organizations are treated equally that could be constitutional.
219	Sen. Bryant	States Legislative Counsel should be asked if it is permissible for governments to not accept political contributions for any organization.
242	Sen. Leonard	States his belief that the purposes behind SB 850 are unconstitutional.
249	Chair Miller	Explains witnesses may speak on either SB 850 or SB 851.
254	Ken Fitzsimon	Administrator for Labor Relations, Oregon Nurses Association. Submits and reads ( <b>EXHIBIT B</b> ) in opposition to SB 850. States SB 850 discourages employee representation. States the voters have kept this idea from being on a ballot.
320	Fitzsimon	Continues to read testimony. Uses an analogy to cable television service.
380	Sen. Bryant	Asks about a proper analogy for SB 850.
391	Fitzsimon	States each person pays for their representation.
399	Sen. Bryant	States people are not required to sign up for cable.
401	Fitzsimon	States the unions provide a service to everyone whether they sign up or not.
407		Discussion of current policy, dates, and citizens choices to join unions.
<b>TAPE 30, B</b>		
002	Paul Krissel	Executive Director, Oregon School Employees Association (OSEA). Opposes SB 850. States unions are democratic institutions of the people. States unions are obligated to represent all workers. States all citizens benefit from taxes which are paid by everyone, which is similar to citizens paying for union services.
057	Krissel	States that dues are for the services of representation by the union. States unions are not primarily political organizations. States individuals are solicited for political money which is not paid for by dues. States SB 850 seems to be specifically designed to harm unions.
100	Krissel	States the reason for SB 850 seems to be to weaken the democratic organization of workers.
112	Sen. Leonard	Asks about the 13% of fees which are not related to representation.
114	Krissel	States none of the 13% can be used for political campaigns.
131	Tricia Smith	Government Relations Specialist, OSEA. Presents and reads ( <b>EXHIBIT C</b> ) in opposition to SB 850. States this is a fight which has been fought already and Oregonians have chosen not to put the measure on the ballot. States unions work as a united

		voice with management.
175	Smith	Continues to read testimony.
212	Alice Dale	Executive Director, Oregon Public Employees Union. Presents and reads ( <b>EXHIBIT D</b> ) in opposition to SB 850. States SB 850 eliminates fair share agreements.
265	Dale	States union members are allowed to get their political union money back. Comments on benefits which the unions have worked to obtain.
338	Dale	States that SB 850 seems to prevent work organizations from having a voice in political organizations.
350	Jeff Seekatz	Oregon State University. States he pays union dues proudly. States the unions give voice to his needs in the political process.
403	Sen. Bryant	Comments on tax credits and asks if it would have an impact on the union members.
418	Seekatz	States it would not make a difference for him.
421	Sen. Bryant	Asks about the impact which would arise if it were necessary to write a check once per year to make a personal political payment.
424	Seekatz	Responds there are many payments which he makes monthly.
428		Discussion of voluntary contributions.
<b>TAPE 31, B</b>		
006	Wendy Whitlet	Oregon State Library. Opposes SB 850. States she has the right to be represented by the union. Refers to her situation as a single parent and a full-time employee who needs representation by her union.
061	Sen. Bryant	Asks why she specified him by name since he is not a sponsor of SB 850.
080	Whitlet	States she referred to him as a key member of the committee.
080	Tricia Bosak	Oregon Education Association (OEA) and Oregon Association of Classified Employees. Presents ( <b>EXHIBIT E</b> ) in opposition to SB 850. Defers to Smith.
084	Monica Smith	Attorney, representing OEA. Presents ( <b>EXHIBIT F</b> ) in opposition to SB 850. States fair share has been around a long time and has been reviewed by numerous courts including the United States Supreme Court.
123	Smith	States the system benefits everyone by allowing labor peace. Explains people must pay for the benefits they receive. Lists some of the fair share payers' rights such as notification of fees, or receiving rebates of the non-chargeable portion of the fees which are collected.
176	Smith	Discusses chargeable versus non-chargeable expenditures. States the present fair share system is in effect with rebate protections and the current system works well.

224	Smith	States the system uses voluntary dues. Comments on the Collective Bargaining Act. States SB 850 detracts from allowing the unions to function.
300	Smith	Lists some of the fees which can be deducted from people's paychecks.
330	Bob Shiprack	Oregon Building and Construction Trades Council. Opposes SB 850. Comments on the fairness and efficiency of collecting dues. Comments on Ballot Measure 8, concerning an interference of a contract, which could imply a constitutional problem.
406	Diane Rosenbaum	President, Oregon State Industrial Union Council. Presents <b>(EXHIBIT G)</b> in opposition to SB 850. States SB 850 is an attack on the fundamental rights of working people.
<b>TAPE 32, A</b>		
001	Rosenbaum	States people who join together and vote to have a union should be allowed to get representation.
025	Randy Tucker	Oregon State Public Interest Research Group. Presents <b>(EXHIBIT H)</b> in opposition to SB 850. Comments this would hamper finance reform. States too few citizens currently make political contributions.
047	Sandra Bishop	League of Women Voters of Oregon. Presents and reads <b>(EXHIBIT I)</b> in opposition to SB 850. Comments on the 1996 primary and general elections.
074	Teresa Pronovost	United Food and Commercial Workers. Opposes SB 850.
081	Brad Witt	Presents <b>(EXHIBIT J)</b> in opposition to SB 850. States SB 850 establishes substandard standards of living for all Oregonians.
135	Kim McCoy	Pacific Northwest District Council Carpenters, Oregon City, Oregon. Opposes SB 850. Quotes Hubert Humphrey on the subject of democracy.
150	Dave Fidanque	Executive Director, American Civil Liberties Union. Comments on the underlying constitutional principals of SB 850. Comments on the right to associate and not associate with union views. Discusses section 2 of SB 850.
207	Bob Duehmig	Submits <b>(EXHIBIT M)</b> in opposition to SB 850. Written testimony only.
208	Chair Miller	Closes public hearing on SB 850 and adjourns meeting at 5:25 p.m.

**Submitted By, Reviewed By,**

**Jennifer Peck, Jan Nordlund,**  
**Administrative Support Administrator**

**Reviewed By,**

**Brian Krieg,**  
**Administrator**

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**EXHIBIT SUMMARY**

**A - SB 138, chart and proposed -3 amendments, staff, 20 pp**

**B - SB 850, written testimony, Kenneth Fitzsimon, 6 pp**

**C - SB 850, written testimony, Tricia Smith, 3 pp**

**D - SB 850, written testimony, Alice Dale, 3 pp**

**E - SB 850, written testimony, Tricia Bosak, 1 p**

**F - SB 850, written testimony, Monica Smith, 6 pp**

**G - SB 850, written testimony, Diane Rosenbaum, 1 p**

**H - SB 850, written testimony, Randy Tucker, 1 p**

**I - SB 850, written testimony, Sandra Bishop, 1 p**

**J - SB 850, written testimony and data, Brad Witt, 9 pp**

**K - SB 850, public letters, staff, 3 pp**

**L - SB 850, testimonial letter, Sen. Randy Leonard, 3 pp**

**M - SB 850, written testimony and laws, Bob Duehmig, 26 pp**

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