

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

May 26, 1995 Hearing Room B  
2:35 PM Tapes 188 - 189

MEMBERS PRESENT:

Sen. Gene Derfler, Chair  
Sen. Bob Kintigh  
Sen. Neil Bryant  
Sen. Bill McCoy  
Sen. Randy Leonard

MEMBER EXCUSED:

STAFF PRESENT:

RITA THOMAS, Committee Counsel  
Glenda Felds, Committee Assistant

MEASURES HEARD:

HJR 2 WORK SESSION  
HB 3222 PUBLIC HEARING  
HB 3365 WORK SESSION  
SB 464 WORK SESSION  
HB 3447 PUBLIC HEARING / WORK SESSION

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a sneaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 188, A

003 CHAIR DERFLER: Calling meeting to order at 3:15 PM.  
005 CHAIR DERFLER: Opening WORK SESSION on HB 3447.  
015 DAVID LACKEY: Attorney for Oregon Military Dept, testifying against HB  
3447  
(EMIIBIT A).  
070 CHAIR DERFLER: Is the state whistle blower law different than the  
federal whistle blower  
law?  
090 SEN. LEONARD: This bill does not make them Federal Employees, it simply  
exempts  
them  
from the whistle blower law  
100 RUSS DONDERO: Testifying against HB 3447 (EXHIBIT B).  
113 SEN. BRYANT: But could you still pursue your case if this law passes?  
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120 DAVID LACKEY: I filed my case nearly 2 years ago. They are required to  
respond in 90 days, but I have heard nothing yet.  
130 SEN. LEONARD: Question regarding newspaper article.  
140 REP. MANNIX: Explaining situation regarding Mr. Lackey's case.  
178 CHAIR DERFLER: Calling recess at 3:25 PM for call on the Senate floor.  
180 CHAIR DERFLER: Calling meeting to order at 3:50 PM.  
184 SEN. MCCOY: I would appreciate it if they would just state the problem  
and what they hope to change.

190 DAVID LACKEY: Resuming testimony.

240 MAJOR GENERAL RAYMOND REES: Testifying in favor of HB 3447.

290 MAJOR GENERAL RAYMOND REES: There needs to be one remedy with the Governor in charge.

213 SEN. LEONARD: If we adopt the amendment, we would be passing a bill as to your interpretation of the law.

325 LYNN ASHCROFT: Marion County Court is not the final decision. The case is under appeal.

260 SEN. LEONARD: Did Marion County hear your side of the case?

387 SEN. BRYANT: Do you have a copy of that letter for the Committee?

390 MAJOR GENERAL RAYMOND REES: Yes (EXHIBIT D).

410 CHAIR DERFLER: Recessing for a vote on the Senate floor at 4:05 PM.

415 CHAIR DERFLER: Calling meeting to order at 4:20 PM.

420 LYNN ASHCROFT: Continuing testimony.

TAPE 189, A

040 LYNN ASHCROFT: Major Lackey is the first one who has raised that issue.

056 SEN. LEONARD: I would like to understand the sequence of events.

082 LYNN ASHCROFT: No, we do not want to have multiple remedies.

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SENATE LABOR AND GOVERNMENT OPERATIONS May 26,1995 Page 3 095 SEN. LEONARD: What other complaints prompted this bill?

100 MAJOR GENERAL RAYMOND REES: Explaining other cases.

115 SEN. BRYANT: The reason for the resignation of the previous Major General was the way he dealt with sexual orientation.

130 CHAIR DERFLER: Closing PUBLIC HEARING on HB 3447.

132 CHAIR DERFLER: Calling a recess for a Conference Committee at 4:30 PM.

133 CHAIR DERFLER: Calling meeting to order at 5:30 PM.

135 CHAIR DERFLER: Opening WORK SESSION on SB 464.

136 JACK ROBERTS: BOLI, testifying on SB 464. There is a consensus on the

-10

amendments.

MOTION: SEN. BRYANT moves that the Committee ACCEPTS the SB 464 -10 AMENDMENTS.

HEARING NO OBJECTIONS, the SB 464-10 AMENDMENTS are ACCEPTED by the Committee.

MOTION: SEN. LEONARD moves SB 464 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 3-0 AYE: Bryant, Leonard, Derfler NO: None SEN. LEONARD will carry the bill.

185 CHAIR DERFLER: Closing WORK SESSION on SB 464.

190 CHAIR DERFLER: Opening WORK SESSION HB

3365.

MOTION: SEN. BRYANT moves to RECONSIDER previous VOTE to send HB 3365 to the Senate floor with a DO PASS recommendation.

HEARING NO OBJECTIONS, the VOTE on HB 3365 IS RECONSIDERED.

200 RITA THOMAS: Explaining HB 3365.

245 SEN. BRYANT: Who recommended this bill?

254 SEN. LEONARD: Doesn't SB 750 say that these things are able to be bargained for.

270 CHAIR DERFLER: What is the advantage to the employee?

300 SEN. BRYANT: -3 Amendments seem major and I think we should listen to testimony.

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315 SEN. MCCOY: What is the fiscal impact?

340 CHAIR DERFLER: Above market pay must be justified.

390 SEN. BRYANT: When you deal with market data, you need to hear both sides.

415 SEN. MCCOY: They would also have to agree as to what elements they would include.

425 SEN. LEONARD: HB 3365 is even more restrictive than SB 750.

450 SEN. BRYANT: I would like to take a look at this over the weekend.

TAPE 188, B

040 SEN. LEONARD: Both sides are required to submit market data.

048 CHAIR DERFLER: Closing WORK SESSION on HB 3365.

055 CHAIR DERFLER: Opening WORK SESSION on H.1R 2.

060 RITA THOMAS: Explaining Amendments.

MOTION: SEN. BRYANT moves that the Co'Tunittee ACCEPT the HJR 2-A-16 AMENDMENTS.

SEN. LEONARD Objects. The HJR 2-A-16 are ACCEPTED by the Committee.

MOTION: SEN. BRYANT moves that the Committee ACCEPT the HJR 2-A-18 AMENDMENTS.

SEN. MCCOY Objects. The HJR 2-A-18 are ACCEPTED by the Committee.

MOTION: SEN. KINTIGH moves that the Committee ACCEPT the HJR 2-A-21 AMENDMENTS.

SEN. LEONARD Objects. The HJR 2-A-21 are ACCEPTED by the ( ommittee.

MOTION: SEN. BRYANT moves that the Committee ACCEPT the HJR 2-A-20 AMENDMENTS.

SEN. LEONARD Objects. The HJR 2-A-20 are ACCEPTED by the Committee.

MOTION: SEN. BRYANT moves that the Committee ACCEPT the }1JR 2-A-19 AMENDMENTS.

SEN. LEONARD Objects. The HJR 2-A-19 are ACCEPTED by the Committee.

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MOTION: SEN. LEONARD moves HJR 2 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 5-0 AYE: Bryant, Kintigh, Leonard, McCoy, Derfler NO: None Sen. Derfler will carry the bill.

144 CHAIR DERFLER: Closing WORK SESSION on HJR 2.

146 CHAIR DERFLER: Opening WORK SESSION on HB

3222.

148 RITA THOMAS: Explaining the bill.

MOTION: SEN. BRYANT moves that the Committee ACCEPT the HB 3222 -2, -3, -4, -5, 6 AMENDMENTS.

HEARING NO OBJECTIONS, the HB 3222 -2, -3, -4, -5, -6 AMENDMENTS are ACCEPTED by the Committee.

MOTION: SEN. KINTIGH moves HB 3222 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 5-0 AYE: Bryant, Kintigh, Leonard, McCoy, Derfler NO: None Sen. Derfler will carry the bill.

180 CHAIR DERFLER: Closing WORK SESSION on HB

3222.

181 CHAIR DERFLER: Meeting is adjourned at 6:05 PM.

Submitted by, Reviewed by,

lenda Fields Rita Thomas  
Committee Assistant Committee Counsel

#### EXHIBIT SUMMARY:

- A - Testimony on HB 3447 - David Lackey - 13 pages
- B - Testimony on HB 3447 - Russell Dondero - 3 pages
- C - Testimony on HB 3447 - Russell Dondero - 5 pages
- D - Testimony on HB 3447 - Raymond Rees - 1 page
- E - Testimony on HB 3222 - Bob Rindy, DLC - 3 pages
- F - Testimony on HB 3222 - Charles Swindell, 1000 Friends - 2 pages

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