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STATE REPRESENTATIVE
DISTRICT 20



HOUSE OF REPRESENTATIVES

April 25, 2019

Committee on Workforce
Oregon State Senate
Oregon State Capitol

Ref: House Bill 2196-A

Chair Taylor, Vice-Chair Knopp, Committee Members:

Thank you for your consideration of HB 2196-A. It is a technical fix to a time-critical problem. This bill is distinct; it is unlike other Public Employee Retirement System (PERS) bills before us in at least three ways: 1) it is about fire – not police; 2) it is not about expanding the definition of firefighting; and 3) it is not about state monies. In simplest terms, this bill is codifying actions taken by the Oregon Military Department (OMD) because of their previous understanding of the law. It makes legal existing practices implemented in good faith.

In the early 2000s the National Guard Bureau directed OMD to change practice for the management of aircraft/facilities related firefighting delivery at our airbases in Klamath Falls and Portland. This transition resulted from a nationwide cost-containment initiative. Accordingly, OMD transformed what had been contracted services into direct delivery. These new “state” firefighters were enrolled into the PERS police and fire account/s because OMD shared with PERS they had the authority to do so.

At the heart of the matter is an unfortunate communication failure: OMD does not have the statutory authority to enter firefighters into the PERS Police and Fire account/s (then or now). It was an error compounded by apparent confusion over potential remedies. In 2016 someone in OMD recognized the problem. And today, we face a problem warranting swift resolution: absent passage, twenty-six retired firefighters will receive an invoice for repayment of funds; twenty-one others already on the job, or about to begin their service, will also be negatively impacted.

The House Committee on Veterans and Emergency Preparedness struggled with the circumstances of this bill. I cannot answer how, or even why, it took three years to share this problem with the Legislature once recognized. However, we voted unanimously in support of it because of the principle of fairness. We share a belief that the firefighters caught in the middle of the mess did nothing wrong, and that point alone warranted passage.

I would be less than honest if I did not share our surprise with the background to this bill. It made us all keenly aware of the critical need for increased oversight, scrutiny, and transparency within public agencies. And to that end, we have initiated a robust schedule of hearings to determine whether there are any more surprises warranting our attention. We remain unanimously committed to continuing the work of developing an improved statewide resiliency posture.

In conclusion, I want to thank you for your efforts as well as your attention to this measure. If you have questions or require additional information, please do not hesitate to contact me.

Respectfully,