

SCR 25 B STAFF MEASURE SUMMARY

Carrier: Rep. Smith Warner

House Committee On Rules

Action Date: 06/26/21

Action: Be adopted with amendments to the A-Eng measure. (Printed B-Eng.)

Vote: 4-3-0-0

Yeas: 4 - Fahey, Holvey, Salinas, Smith Warner

Nays: 3 - Bonham, Drazan, Zika

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 6/26

WHAT THE MEASURE DOES:

Establishes limitations and deadlines for legislative measures for 2022 regular session of Eighty-first Legislative Assembly. Provides that certain labor negotiations are not legislative deliberations and are to be conducted in executive session in conformance with ORS 192.660 (2)(d) and ORS 192.660 (3).

ISSUES DISCUSSED:

- Applicability of executive session to the Legislative Assembly, its committees, and labor negotiations
- Making collective bargaining for Legislative Assembly similar to executive and judicial branches
- Exemptions for Senate President and House Committee on Rules to measure limits
- Chair intentions for 2022 measure introductions

EFFECT OF AMENDMENT:

Adds conformity with ORS 192.660 (2)(d) and ORS 192.660 (3) to the provision allowing labor negotiations to be conducted in executive session.

BACKGROUND:

The Public Employee Collective Bargaining Act (PECBA) governs collective bargaining and dispute resolution processes for Oregon's public employers and unions representing public employees. PECBA is administered by the Employment Relations Board (ERB), an executive branch agency overseen by three members appointed by the Governor and subject to confirmation by the Senate. PECBA specifies that the Department of Administrative Services represents all state agencies in collective bargaining negotiations with represented executive branch employees and that the Chief Justice of the Supreme Court represents the judicial department in collective bargaining negotiations with represented judicial department employees. Senate Bill 759 (2021) establishes that the presiding officers represent the Legislative Assembly in collective bargaining negotiations with appropriate legislative department employee bargaining units and allows them to delegate authority to a chief negotiator to consult with minority and majority party leadership in both chambers to establish a collective bargaining team to engage in negotiations.

ORS 192.660 (2)(d) allows a governing body of a public body to hold an executive session to "conduct deliberations with persons designated by the governing body to carry on labor negotiations." ORS 192.660 (3) provides that "labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session."

Senate Concurrent Resolution 25 B establishes limits on the number of measures that may be drafted for the 2022 legislative session by each Senator, Representative, and interim committee; the Governor; and the Chief Justice of the Supreme Court, and establishes timelines by which these measures must be requested and completed. The resolution also states that labor negotiations concerning employees of the legislative branch are not considered

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legislative deliberations under Article IV, Section 14, of the Oregon Constitution and are to be conducted in executive session in conformance with ORS 192.660 (2)(d) and (3).