

**HCR 38 STAFF MEASURE SUMMARY****Carrier:** Sen. Lieber**Senate Committee On Rules**


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**Action Date:** 06/25/23  
**Action:** Do adopt.  
**Vote:** 4-0-1-0  
**Yeas:** 4 - Knopp, Lieber, Manning Jr, Steiner  
**Exc:** 1 - Hansell  
**Fiscal:** No fiscal impact  
**Revenue:** No revenue impact  
**Prepared By:** Leslie Porter, LPRO Analyst  
**Meeting Dates:** 6/25

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**WHAT THE MEASURE DOES:**

Establishes limitations and deadlines for legislative measures for 2024 regular session of Eighty-second Legislative Assembly. Provides that certain labor negotiations are not legislative deliberations and are to be conducted under executive session.

**ISSUES DISCUSSED:**

- Labor negotiations not being considered legislative deliberations

**EFFECT OF AMENDMENT:**

No amendment.

**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. The law is currently silent on legislative branch representation in collective bargaining negotiations with represented legislative branch employees. Senate Bill 759 (2021) established 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.

House Concurrent Resolution 38 establishes limits on the number of measures that may be drafted for the 2024 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 legislative deliberations under Article IV, section 14, of the Oregon Constitution.