

Secretary: Vote explanation for the Senate vote today. Thank you, Senator Boquist

“SB 759 would place in statute the separation of powers in the Oregon Constitution directed at the Legislative Assembly in *State v. Babson (2014)*. The statute clarifies that the Legislative Administrator, not the Attorney General with in the Executive Branch, would represent the Assembly in any collective bargaining negotiations. Not delegable or transferrable. Existing law in practice has the Attorney General being used by the Department of Administration of the Executive Branch. The Judicial Branch is separate per ORS 243.696 as well. The statute says nothing of the Legislature though the Oregon Constitution is clear in Article 3 Section 1. The reason the law is required is Legislative leadership and non-elected directors have been using the Attorney General in direct violation of the known Oregon Supreme Court rulings. While legislative leadership claims support for this bill, and voted as such in the State Senate, the Attorney General is being used to block legislative employee unionization before the Employment Relations Board today. This despite ORS 173.135 requiring Legislative Counsel to represent the Legislative Assembly plus multiple chamber rules and the Oregon Constitution. The Attorney General’s positions in regard to legislative appointing authorities and employee treatment flip flops between court cases and legal filings depending upon the desires of their unlawful client: legislative leadership and directors. As example, the Attorney General representing legislative leadership claims in some legal filings legislative employees are not employees of the Legislative Assembly and do not work for Legislators, then, before Judges and adjudicators in other filings claim every employee in the Legislative Assembly works for an elected member of the Legislature. The Legislatures HR Directors claimed in circuit court she was not employee of the Legislative Assembly at the urging of the Attorney General. Given the failure of either party caucuses to truly support employees complaints, harassment, pay equity, or employment rights, this bill is required to create a fair workplace. Leadership, and directors working for leadership, are directly at fault for this situation. As the Carrier of the bill stated on the Floor of the Oregon State Senate legislative employees have a right to unionize. SB 759 passed the Oregon State Senate with the Senate President voting ‘Yes.’ Oddly the same Senate President who is opposing employee unionization before the Employment Relations Board. SB 759 will help end the fraud, doublespeak, and attacks on legislative employees.“

Respectfully submitted to the official Senate record,

Brian Boquist  
Oregon State Senator  
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