

SENATE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

March 12, 1993      Hearing Room B 8:00 a.m.      Tapes 48 - 51

MEMBERS PRESENT:    Sen. Tricia Smith, Chair Sen. Gratten Kerans,  
Vice-Chair Sen. Brady Adams Sen. Wes Cooley Sen. Krasten Rasmussen

STAFF PRESENT:            Joan Van Almen, Committee Administrator Stasi  
Kitchen, Committee Assistant

MEASURES CONSIDERED:            SB 155 - Work Session SB 424 - Work  
Session SB 127 - Public Hearing

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

TAPE 48, SIDE A

001      CHAIR SMITH calls the meeting to order at 8:20 a.m. and opens a work session on SB 155.

SB 155 - WORK SESSION

006      CHAIR SMITH advises members that SB 155 was referred to this committee in error and more appropriately should go to the Judiciary Committee with a subsequent referral to Trade and Economic Development.

013                    MOTION:    CHAIR SMITH moves that SB 155 be referred back to the President's desk for re-referral.

014                    VOTE:    CHAIR SMITH, hearing no objection to the motion, declares the motion CARRIED.

SB 424 - WORK SESSION

015      CHAIR SMITH opens a work session on SB 424.

016      SEN. KERANS comments it would be his preference to lay this bill on the Table.

025      CHAIR SMITH advises Sen. Kerans that the Chair and staff of the Natural Resources committee would like to deal with SB 424 in their committee.

035                    MOTION:    CHAIR SMITH moves that SB 424 be referred to the President's desk for re-referral. 037                    VOTE:    CHAIR SMITH, hearing no objection to the motion, declares the motion CARRIED.

SB 127 - PUBLIC HEARING

042      CAROLE MORRIS, Director, Executive Appointments, Governor's

Office, presents a prepared statement and information on boards and commissions and reads her statement in support of SB 127 (EXHIBIT A).

065 CHAIR SMITH advises Ms. Morris that the committee has not received the hand-engrossed bill she refers to and asks that Ms. Morris review the changes.

065 MS. MORRIS: On page 9, Sections 27 and 28 should be deleted.

073 CHAIR SMITH asks that Mr. Morris give an overview of the bill and cite the changes that are needed.

077 MS. MORRIS continues with her prepared statement (EXHIBIT A)

162 CHAIR SMITH asks that the witnesses explain how some of the boards and commissions failed the tests.

165 MARGIE LOWE, Executive Department: It wasn't the failing of simply one question, but it was something that was being done or was similarly affected by another organization or multiple organizations within state government, or the group was inactive for a number of years.

She refers to the list of over 400 boards and commissions (EXHIBIT A) and explains that at the time of review they were asked to look at those that were not an agency in and of itself, but generally were in an advisory capacity rather than in decision-making.

209 CHAIR SMITH: Are the ones that are proposed to be eliminated in the list?

210 MS. LOWE: Yes.

216 COUNSEL JOAN VAN ALMEN: Please describe for the committee the reason

you provided this packet? Also, what you plan to do with regards to boards and commissions generally that are not on the list, and also that there are some on the list that have already been eliminated through other means, and describe that process so they will have a context in terms of using the list.

220 MS. LOWE: We wanted to describe state government's responsibilities,

identify the number of organizations we have, and then the task force's direction was to figure out if there were things that are not needed.

The Governor announced several of those in her State-of-the-State address a year ago January. If the decision had already been made, those were not looked at.

264 MS. LOWE reviews SB 127 section-by-section (EXHIBIT B).

305 CHAIR SMITH asks questions about the committee on court reporters.

333 MS. LOWE continues her review beginning with Sections 10 and 11.

CHAIR SMITH, MS. LOWE and MS. MORSE discuss the Construction Contractors

Board and abolition of the Commercial and Public Works Contractors Committee.

413 MS. LOWE continues her review beginning with Sections 12-26 (EXHIBIT B).

TAPE 49, SIDE A

001 CHAIR SMITH: What is the function and duty of the Wage and Hour Commission?

014 PAUL TIFFANY, Administrator, Wage & Hour Division, explains that the section which describes the division's duties that are proposed to be eliminated are summarized on page 7, beginning on line 43. They establish all of the rules for the employment of minors in Oregon.

044 SEN. RASMUSSEN: If we eliminate the commission we no longer have that check?

054 CHAIR SMITH: Would you say that the commission is a rubber stand of the staff activities?

058 MR. TIFFANY: The commission follows staff regulations, but they do have their own opinion.

060 CHAIR SMITH: Does the commission have an opinion on this bill?

061 MR. TIFFANY: They oppose it. They sent a letter to the Governor some time ago and the Governor responded. At the last meeting they reaffirmed their opposition.

066 CHAIR SMITH: Ms. Moore, as we go through this, let us know if other

councils and committees are also opposed.

100 MS. LOWE continues with her section-by-section review beginning with Sections 27 and 28 (EXHIBIT B).

Discussion is held on the issue of getting medical personnel into rural communities.

257 MS. LOWE continues her section-by-section review beginning with sections 35 and 36 (EXHIBIT B).

320 SEN. COOLEY and MS. LOWE discuss considerations given to the Mass Transportation Financing Authority prior to inclusion in this bill.

339 DENNY MOORE, Salem Area Transit, advises the Chair that Roger Martin,

representing the Oregon Transit Association, also would like to make comments.

352 ROGER MARTIN, Executive Director, Oregon Transit Association: Our interest is only in Sections 40 through 42, which we oppose the abolishment of. The Oregon Transit Association is made up of public transportation bodies from throughout the state. The three who are particularly concerned about this are Tri-Met, Salem Area Transit, and

Lane Transit. They all oppose it. The Salem Area Transit (Cherriots) submits a letter in opposition to SB 127 (EXHIBIT C).

408 DENNY MOORE, Salem Area Transit: I concur with Roger's comments. We

want to retain it for Salem in the future in case we need it as an option to finance transit facilities and equipment.

TAPE 48, SIDE B

003 MS. LOWE continues with the section-by-section review beginning with Sections 43 and 44 (EXHIBIT B).

MS. LOWE and MEMBERS discuss the functions of the Local Budget Advisory Committee and potential need for the committee in the future.

115 MS. LOWE continues her review beginning with Sections 47-51.

130 SEN. RASMUSSEN and MS. LOWE discuss the activities of the Advisory Committee on Medical Care.

141 SEN. KERANS: Is it true that you are suggesting that Sections 47-51 be deleted from the bill?

144 MS. LOWE nods affirmatively.

148 JIM STEMBRIDGE, Deputy Administrator, Construction Contractors Board,

submits a prepared statement (EXHIBIT D) and testifies in opposition to eliminating the Commercial and Public Works Committee and the Residential Contractors Committee.

171 A discussion is held on the functions of the two committees and CHAIR

SMITH'S concerns about citizens' complaints about contractors.

229 CHAIR SMITH requests Mr. Stemberidge to provide the committee with a report on the number of complaints and claims that have been filed with the Construction Contractors Board in the last two years, the number that have been resolved and how they have been resolved.

233 MR. STEMBRIDGE: I will be happy to do that.

242 MS. VAN ALMEN: This is also the claims appeal committee. If it is repealed, what would take its place?

242 MR. STEMBRIDGE: The proposed amendment would substitute the language in HB 2050.

313 MS. LOWE continues with her section-by-section review beginning with Sections 54-55 (EXHIBIT B).

346 SEN. COOLEY requests that Ms. Lowe consult with the Department of Agriculture to find out if they consulted with the industry on the

elimination of the agricultural advisory committees.

359 MS. LOWE continues her review beginning with Sections 59 and 60.

375 SEN. COOLEY asks that Ms. Lowe also consult with the Department of Agriculture relating to the advisory committees to the commodity commissions.

Discussion is held on roles of advisory committees and commodity commissions with the Department of Agriculture.

TAPE 49, SIDE B

004 MS. LOWE continues her review beginning with Sections 61-63.

054 SEN. KERANS: What do those who serve on the Hardwood Forest Products

Resources Committee and those in the industry think of Sections 69 and 70?

059 MS. LOWE: The Department of Forestry discusses the proposed changes in their advisory bodies with those groups. It has been published for nine months and we have not heard opposition to the abolition.

098 MS. LOWE continues her review beginning with Sections 71-73 (EXHIBIT B).

106 SEN. RASMUSSEN comments he would like to have the Department of Agriculture appear before the committee to explain their reasoning on these groups.

114 MS. LOWE continues her review beginning with Sections 74 and 75.

145 CHAIR SMITH: I have heard from hair dressers on this issue of abolishing the Advisory Committee on Hair Design Schools and they feel there are public health issues that would not be addressed.

175 SEN. RON CEASE: I want to raise an issue on the Pacific States Committee on Radioactive Transportation Management (Sections 97-99). When this committee was created it included representatives from Oregon, Washington and Idaho and played a very significant role. The Public Utility Commission is involved with the training of all nuclear inspectors in the West. Another issue raised through this group is the routing of nuclear materials to Washington state. As we talk about transportation and transportation protection of radio activity through states is another issue. I would expect that this arrangement would be useful and would ask that we not eliminate that particular group. It is a vehicle for interstate cooperation and work and should be retained as a vehicle for future activities.

205 Discussion is held on the potential future need of the committee.

216 MS. VAN ALMEN: There is a recommendation to repeal ORS 466.450, relating to states' agreement. Do you have a position on the repeal of that agreement?

221 SEN. CEASE: I am not sure. I would have to take a look at how it affects it.

236 MS. MORRIS: We have the background information and the answers to the questions, but staff is rusty because the process went on for about a year.

257 CARL MEYERS, Oregon Court Reporters Association: The Oregon Court Reporters Association has worked for a number of sessions to get the certification process in order (Sections 6-9). I want to make it clear that that association and this advisory committee governs not only official court reporters, but the free-lance reporters that do depositions. This affects several thousand reporters. The association objects to elimination of the committee. This advisory committee is self-financing. In SB 127, Sections 6-9, essentially what they are proposing to do is replace the permanent advisory committee with an ad hoc committee to advise the Commissioner on these matters. We feel the permanent advisory committee gives some institutional memory and allows for some continuation of the goals that this section sets out. We would like the Commissioner to consult with the industry more. We think this advisory committee is necessary.

CHAIR SMITH: Do they meet on a regular schedule?

318 MR. MEYERS: They are not meeting as often as they were. They have not gotten into any discipline of those matters, mostly they have been meeting in setting up standards and certifying those who pass the test.

A discussion is held regarding recording and transcription technology used in courtrooms.

389 SEN. RASMUSSEN: I think it is very important to have a quorum to discuss these issues. Mr. Meyers has very adequately represented the technological changes but the fact that most practitioners in the courtroom are of one mind when other parties are of another mind.

TAPE 50, SIDE A

001 A discussion is held regarding the authority of the Certified Shorthand Reporters Advisory Committee, its ability to meet and payment of expenses for the public member.

029 MS. LOWE continues her review beginning with Sections 79 and 80 (EXHIBIT B).

062 BILL CAREY, Administrator, Children's Services Division: We feel this (Juvenile Corrections Council) does not need to exist in statue. This

group meets monthly and will continue to meet monthly.

110 SEN. KERANS comments he would like to look at ORS 418.005 to see if it needs amending and that he has no objection to abolishing the Juvenile

Corrections Council if its mission is subsumed under the one in 418.005.

129 SEN. KERANS: Would it be better for us to put on a sunset date?

130 MR. CAREY: We can do either one. I would like to abolish it in

statute so it can be moved flexibly and not have to come back to the Legislature in the future.

156 MS. LOWE continues her review at Sections 89-91 (EXHIBIT B).

Discussion is held regarding the Pacific States Committee on Radioactive Transportation Management.

274 MS. MORRIS agrees to provide information on how the abolishment of this statute would affect the agreement itself.

296 MS. LOWE comments that the committee would have the same kinds of questions relating to Sections 100 and 101 which abolish the Radioactive Transport Advisory Committee, and will therefore, will come back and respond to those areas.

313 MS. LOWE continues with her review beginning with Sections 102 and 103 .

364 MS. LOWE: A technical amendment needs to be made on page 27, lines 35 and 36. In drafting amendments, Legislative Counsel did not catch a reference to the waste reduction board. In the sentence which begins,

"Separate subaccounts for habitat conservation and waste reduction---"  
can be deleted.

380 MS. LOWE continues with her review beginning with Sections 110-112.

TAPE 51, SIDE A

Discussion is held regarding the relationship of the Rogue River Coordination Board, the Department of Geology and Mineral Industries and law enforcement.

064 MS. LOWE continues her review of the final sections of SB 127, Sections 116-118.

076 JIM BUTLER, Traffic Control Engineer, Oregon Department of Transportation: The State Speed Control Board is a separate body which establishes speeds on county roads, city streets and on state highways within city limits of cities. Under this proposal the Department of Transportation would assume those responsibilities and would form by administrative rule an advisory body of the same composition as the State Speed Control Board currently has.

091 CHAIR SMITH: Why would they do that?

090 MR. BUTLER: My understanding is that this could be done by administrative rule rather than by a statutory board. It would eliminate some reporting requirements and a portion of the bureaucracy that exists today.

097 CHAIR SMITH: Is ODOT currently able, through administrative rule, to

set speeds on state highways.

097 MR. BUTLER: The statute gives the Transportation Commission the responsibility to establish speeds on rural state highways. That authority has been transferred to Mr. Hofstetter. There is administrative rule which establishes criteria within which speed zones can be established.

Discussion continues on the process for establishing speed zones.

177 CHAIR SMITH: I would like to know what the League of Oregon Cities and Association of Oregon Counties think about the last two sections.

180 BILL PENHOLLOW, Association of Oregon Counties: Our interest is in the end result of the advisory body being appointed by the Governor or by the Transportation Commission that we do have uniform speeds set for counties statewide and that they be set by a body with certain engineering criteria that are followed, and an opportunity for an appeals process. We feel the board should continue and the appointment authority is a legislative decision.

210 CHAIR SMITH: Do you have an opinion on whether or not these duties should exist in statute?

212 MS. LOWE: The bill vests the authority in the department which they can administer by rule.

220 MS. LOWE: We would like to make an amendment to this section: on page 31, lines 42 and 43, that sentence should have been retained in the bill but it should read "the department" instead of "the board"--is not required to use the procedures under "ORS 810.180" not ".190."

234 CHAIR SMITH closes the public hearing on SB 127 and declares the meeting adjourned at 10: 30 a.m.

Transcribed and submitted by,

Annetta Mullins Committee Assistant

#### EXHIBIT SUMMARY

A - SB 127, prepared statement and list of boards, commissions, councils and committees, Carole Morse, 47 pp B - SB 127, section-by-section analysis, Margie Lowe, 6 pp C - SB 127, prepared statement, Salem Area Transit, Roger Martin, 1 p D - SB 127, prepared statement, Jim Stenbridge, 1 p