

SENATE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

March 15, 1993 Hearing Room B 8:00 a.m. Tapes 52- 53

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

MEMBER EXCUSED: Sen. Tricia Smith, Chair

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

MEASURES CONSIDERED: SB 127 - PPW SB 171 - PPW

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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 52, SIDE A

004 VICE-CHAIR KERANS: Calls the hearing to order. (8:20 a.m.)

PUBLIC HEARING ON SB 127 Witnesses: Mark Overbeck, Legislative Aid,
Governor Roberts Dwyane Hofstetter, State Traffic Engineer Phil Ward,
Department of Agriculture Jim Stemberge, Deputy Administrator,
Construction Contractors

Board, (CCB)

010 MARK OVERBECK, LEGISLATIVE AID, GOVERNOR ROBERTS: Introduces
Mr. Hofstetter.

VICE CHAIR KERANS: What Section of SB 127 are we referring to?

OVERBECK: Section 38, the State Speed Control Board; section 38 begins
with a review of the framework.

_ We want to take a look at doing our part to streamline statutes and
the way state government operates without diminishing the opportunity
for the public to provide input.

VICE CHAIR KERANS: Are there county counterparts to this, that make
recommendations to the state speed control board?

049 DWAYNE HOFSTETTER, STATE TRAFFIC ENGINEER: The counties are
involved if they object to a speed proposed.

VICE CHAIR KERANS: They do make requests regarding speeds?

HOFSTETTER: Yes; describes who would have authority under SB 127.

_ We would set up an appeals panels under administrative rule with AOC and LOC.

VICE CHAIR KERANS: On page 31, subsection F, there seems to be new policy, making substantive changes; what are we doing?

HOFSTETTER: Basically that is the same; there was another part of statute eliminated and this replaces that.

VICE CHAIR KERANS: Where is the appeals process?

HOFSTETTER: That will be handled under administrative rule.

105 JOAN VAN ALMEN, COMMITTEE COUNCIL: Lines 22 - 35 appear to be a substantive change, yet you stated it was not.

_ It appears that the statute somewhat matches the language except that it says "is greater or less than reasonable or safe under conditions the Department finds to exist" and it appears that is not a parallel; could you explain that?

HOFSTETTER: Our intent is that it would be done the same way as a speed zone investigation; it would still be based on an engineering and traffic investigation, but it would be the Department instead of the State Speed Control Board.

VICE CHAIR KERANS: Only the road authority may file written objections?

HOFSTETTER: Yes; we do depend on the road authority to file objections, although, we do consider objections by private citizens if it goes to the full board.

145 VAN ALMEN: This provision eliminates this procedures for written objections; why?

HOFSTETTER: We will handle that through the administrative rule process.

165 PHIL WARD, DEPARTMENT OF AGRICULTURE: There are seven advisory committees in this document that relate to the Department of

Agriculture; essentially these are all advisory to the Director or to specific divisions of our agency to give us advise on the conduct of our affairs in relation to certain parts of the industry.

_ We don't believe that eliminating these particular committees will

lessen the ability of the Department to communicate with the industry relative to these areas.

_ We do support the elimination of the Livestock and Marketing Board, the Agricultural Development Advisory Committee and the Apiary Advisory Committee; SB 117 would propose to deregulate that committee in Oregon.

_ The State Christmas Tree Advisory Committee and the State Nursery Advisory Committee, the Minor Crops Advisory Committee and the Synthetic Chemicals in the Environment Committee.

VICE CHAIR KERANS: All the affected boards are well advised of there approaching demise?

WARD: They are aware that they are scheduled to go into non-existence; I'm not aware of any significant objection.

226 SEN. COOLEY: This speaks more on vaccines and research; why does the little blue book say one thing and SB 127 say something else.

WARD: The blue handout shows what the committee has evolved to; this board has served as an advisory committee to our entire livestock and animal health program.

SEN. COOLEY: Who will do this in the future?

WARD: Periodically we will call together industry leaders to consider issues; the State Board of Agriculture functions similarly.

SEN. COOLEY: If a problem arises then you will call people together and discuss it, but if there is no problem, you won't do that?

WARD: That is true; they are a very interested group.

SEN. COOLEY: Are you going to eliminate that link you have now?

WARD: Statutorily, but I don't think that will eliminate the link.

VICE CHAIR KERANS: Does the Director have an over arching advisory committee or council?

270 WARD: Yes; the Department and Director are advised on policy direction, and there are representatives of the state livestock industry by statute; that is our overall advisory board and that will remain in affect.

VICE CHAIR KERANS: What has been the relationship between the Board of Agriculture and the various smaller boards and committees?

WARD: There has been little practical interface between the State Board

of Agriculture and the committees; generally the concerns are brought to the State Board of Agriculture members.

SEN. RASMUSSEN: My concern is the ability of the industry to communicate with the Department; have these committees been asked about how they feel about being abolished and if so, what is their position?

WARD: I wasn't present when the committees were asked; my understanding is that the division heads have communicated to the groups about their potential demise by statute and that no significant objections were raised.

358 VICE CHAIR KERANS: When was the last time the Department tried to impose, by rule or policy, something that the Oregon Cattlemen's

Association was unanimous in opposition to?

WARD: I can't recollect such a time; we conducted a regulatory program in Southern Oregon a year ago and there was significant concern and for us to get the job done we had to work closely through those concerns.

SEN. ADAMS: Did the State Livestock and Marketing Board play any role?

WARD: No; the Oregon Cattlemen's Association took the direct lead in working with the Department on that.

_ That gets back to the question of if the industry can communicate with us effectively and it has been our experience that when there is an issue of concern to the industry, they don't wait, they go to the Directors office.

VAN ALMEN: Would you please say why you are in agreement that the board is no longer useful, for each board or committee?

405 OVERBECK: The history of these proposals goes back more than a year; we heard from many citizens.

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030 OVERBECK: We heard from groups who felt strongly; I think it is a testament that we did make the outreach efforts on many levels and the

remaining committees do not have objection.

050 WARD: Section 56; the Department receives advise more directly from industry associations and industry members and for this reason this

board serves as a duplication.

VICE CHAIR KERANS: How many members are there in the State Board of

Agriculture?

WARD: Nine members voting with two advisory members.

VICE CHAIR KERANS: There is a cattleman member?

WARD: Yes.

_ In appointments to the board the Governor does receive recommendations from the members of the Cattlemen's Association.

076 SEN. ADAMS: Have the trade industry groups taken a position on the removal of these boards?

WARD: I am not aware if they have. SEN. ADAMS: If they are going to be playing this role, has there been

discussion with them?

WARD: No; these industries are well represented on the State Board of Agriculture and there is already an ongoing link there.

SEN. ADAMS: Isn't there some risk there; you have not clearly communicated those expectations to that industry group; how is that going to work

WARD: The communication is already occurring; it is a routine relationship as to how we function with those groups.

SEN. ADAMS: Why haven't you gone the extra step and communicated with them?

105 WARD: That is something we haven't made the effort to do at this junction.

_ Section 59; this is an advisory group to our marketing division that meets only at the call of the Department and is something we would continue informally.

SEN. ADAMS: Who would those people be?

WARD: This is generally representatives of the business community.

SEN. ADAMS: There is not a trade organization; this would be more to the particular product?

WARD: To my knowledge there is no one agriculture council.

VICE CHAIR KERANS: This group is involved in some in-state, but generally out-of-state extraterritorial commodity promotion, working

with Economic Development and others.

WARD: That is correct; seeking advise is something we do regularly, it does not need to be codified.

176 WARD: Section 61 is the apiary advisory committee; SB 117 proposes to deregulate Oregon's Bee Keeping industry and the abolishment of this

advisory committee would go along with that.

VICE CHAIR KERANS: How are the bee keepers on this elimination?

WARD: They are in support of elimination.

_ The Christmas Tree Advisory Committee; we would call together industry leaders periodically even without the codification of statute.

202 WARD: The State Nursery Advisory Committee; the industry has SB 405 , which would re-work how nursery inspections are conducted and if that

bill is enacted the committee would be replaced.

VICE CHAIR KERANS: How will they feel if both fail or SB 405 fails and this passes?

WARD: I don't think it would be a problem; that is an industry that is proactive in Oregon.

_ This group has met one two times a year, at call of the chair.

VICE CHAIR KERANS: What is the position of the Department on SB 405?

WARD: Supportive.

_ Section 89 is the Minor Crops Advisory Committee that has been around for two sessions; this committee was developed to advise us on fees paid on the chemical and pesticide program; we would propose rolling the function of this group into the Center for Applied Agricultural Research.

_ The Center is a granting organization that handles monies and facilitates the development of research through research institutions.

280 WARD: Section 110, the committee on Synthetic Chemicals in the Environment is a committee has not met for some years and as I

understand it is was to be an intergovernmental coordinating body on the use of synthetic chemicals.

320 JEFF STEMBRIDGE, DEPUTY ADMINISTRATOR, CONSTRUCTION CONTRACTORS

BOARD, (CCB): We would like to make sure that a claims appeal committee is

retained and that is the subject of the proposed amendment we provided on Friday.

_ These are subcommittees of the board; the full CCB is a nine member committee; there is a great overlap between the subcommittees and the full board has taken up the issues these committees were to deal with.

380 STEMBRIDGE: This is a section of HB 2050; it eliminates the Residential Contractors Committee and changes the appeal committee to a three member committee and provides for a multiple claims committee.

VICE CHAIR KERANS: Section 52 abolishes the Residential Contractors Committee and we replace with what is stated on the back of your memorandum dated March 10?

STEMBRIDGE: That is correct.

_ We are not eliminating the Construction Contractors Board, (CCB), in this bill; it is to eliminate two unnecessary subcommittees of the CCB, Residential Contractors Committee and the Commercial and Public Works Committee.

433 VAN ALMEN: Where in the statute do you want to put this amendment?

STEMBRIDGE: In Section 52 instead of the present language in Section 52 and Section 53 is deleted.

VAN ALMEN: Please give me the rationale and also, what is the composition of the new board and why switch the membership? STEMBRIDGE: These are subcommittees of the board that were created to deal with issues that were suppose to arise dealing with residential and non-residential construction.

_ We would like to retain the claims appeal function of the committee, but no longer need the residential advisory portions of the committee.

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STEMBRIDGE: Because the legislature has extended and expanded the authority of the CCB to handle claims, there are a number of small commercial claims also heard by the CCB; it makes no sense to restrict the claims appeal committee to the residential contractors.

_ We are proposing to allow the chair of the nine member board to appoint three member committees to hear appeals.

064 VAN ALMEN: I understand that currently the appeals process is utilized by the residential contractors committee?

STEMBRIDGE: The residential committee is the same as the appeals committee; we want to get rid of the residential committee, but keep the appeals committee, with changes to its composition.

VAN ALMEN: You want to substitute a new board, why?

STEMBRIDGE: The answer is that there are five members now and the proposal is to create three three member committees so the nine member board could divide up the work.

VICE CHAIR KERANS: We will close the hearing.

PUBLIC HEARING ON SB 171 Witnesses: Cindy Becker, Assistant Director, Executive Department Theresa McHugh, Executive Department Dick Townsend, League of Oregon Cities, (LOC)

120 VICE CHAIR KERANS: We are looking at an undated hand engrossed version of this bill and "additional statutory references to Executive

Department Division".

126 CINDY BECKER, ASSISTANT DIRECTOR, EXECUTIVE DEPARTMENT: We would like to talk about the request to put a mission statement in statute, and

also to put named divisions back into statute.

_ We would amend Section two of the bill with the mission statement provided, (EXHIBIT A).

_ We have put together a listing of functions we serve; the next piece is rules and associated performance reviews of agency compliance with state wide policy.

147 BECKER: The third piece is leadership in the implementation of state wide performance measurement program; the fourth piece is state employee work force development and training. _ Next is personnel systems which promote fair responsive and cost

effective human resource management.

_ Objective credible management information and analysis of state wide issues for policy makers is one of the most important things we can do

as an executive department.

_ State wide financial administrative systems takes into account our accounting division and the work we do in budget and management.

_ The last piece is state wide information systems and networks to facilitate the reliable exchange of information and technology.

189 BECKER: Nothing in this section is intended to preclude the executive department from revising it's purpose over time if the interest of state wide efficiencies and economies are served through such changes.

_ We had taken out named divisions in Section two as they were out dated; we don't have a problem putting these in, however, they may become out dated after session if the director decides to reorganize the department, changing names of the divisions.

_ Legislative Counsel also suggests we add "initially and subject to ORS 184.325".

226 SEN. ADAMS: Why the Forest Planning Council, Immigration Coordination, BUBB and Oregon ED-NET aren't included?

BECKER: Bubb, EDNET and the Immigration coordination aren't divisions; they are sections and units not named in current statutes.

SEN. ADAMS: Where is the printing division and support services?

BECKER: Support services is part of the Directors office.

317 THERESA MCHUGH, DEPARTMENT OF GENERAL SERVICES: Submits questions raised by counsel and outline of changes, see (Exhibit A).

SEN. ADAMS: In the mission statement, do you currently perform those functions?

BECKER: We are currently performing them, but more on an adhoc basis.

_ In terms of state wide issues, often times the Legislature will give the Executive Department the authority to implement polices, rules and procedures.

411 DICK TOWNSEND, LEAGUE OF OREGON CITIES: Cities apply for federal funds several ways; we have used IRD's.

SEN. ADAMS: There doesn't appear to be any statutory language that requires these relationships.

TOWNSEND: That is cause for discussion; the issues have changed and

many issues that come before you come because local governments haven't sat down to resolve their issues.

TAPE 53, SIDE B

040 SEN. ADAMS: I keep seeing this as a state government approach; the concern I have is that the crisis that the state government now faces is a prelude to the crisis the cities and counties will be facing in the

not to distant future.

TOWNSEND: Now is the time to begin thinking about this.

SEN. COOLEY: What does SB 146 do to you?

TOWNSEND: That takes out five or six sections of Chapter 190; to my understanding that is no longer being done by the Executive Department.

085 VAN ALMEN: SB 146 is the abolishment of the Intergovernmental Coordination Division; we purposefully kept that bill separate from SB

171 with the addition of the word "divisions".

091 VICE CHAIR KERANS: If there is no further business to come before the committee, we are adjourned. (9:00 a.m.)

Transcribed by,

Kimberly Burt Committee Assistant

EXHIBIT SUMMARY:

A - SB 171: Informative material submitted by BECKER, pp 6