

SENATE COMMITTEE ON TRANSPORTATION

February 15, 1993 Hearing Room C 3:00 p.m. Tapes 15 & 16

MEMBERS PRESENT: Sen. Joan Dukes, Chair Sen. Bob Kintigh Sen. Jim Bunn
Sen. John Lim Sen. Tricia Smith Sen. Catherine Webber Sen. Mae Yih

STAFF PRESENT: Ruth Larson, Committee Administrator Shannon
Gossack, Committee Assistant

MEASURES CONSIDERED: SB 98

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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 15, SIDE A

008 CHAIR DUKES: Calls meeting to order at 3:15 p.m.

010 LARSON: Explains the Railway Policy Plan.

PUBLIC HEARING ON SB 98

Don Forbes, Oregon Dept. of Transportation Jane Cease, Motor Vehicle
Division

028 LARSON: Explains background information on SB 98.

032 CHAIR DUKES: Explains the purpose of the meeting.

043 DON FORBES, DIRECTOR OF OREGON DEPT. OF TRANSPORTATION: Submits
written testimony. (EXHIBIT A) -Outlines why SB 98 was drafted.
-Discusses efficiency within ODOT. -Discussion on shifting staff
resources.

081 SEN. SMITH: Can other agencies shift in the fashion your
considering? 089 FORBES: I believe the Department of Human Resources
operates in this way.

091 SEN. SMITH: Can you change the job classification or title?

093 FORBES: It would be converting from one kind of a position to
another. -Explains the legislative process.

106 SEN. WEBBER: Is it an inefficiency within the department or
is it related to management?

112 FORBES: Discusses the interaction between ODOT departments.

119 CHAIR DUKES: Our comfort level isn't quite there yet. -Questions moving a person to a different department.

131 FORBES: Discusses the re-invention of government. -Suggests that legislature decide on the results required by state agencies.

142 CHAIR DUKES: I have a great deal of faith in you but over the last twenty years ODOT hasn't exactly lived up to a standard that would

ensure confidence on the part of this committee. You've done miracles in the last two years but this is a big step to take.

151 FORBES: Discusses new processes. -Defining of performance measures is critical.

164 SEN. SMITH: If this billed passed what would Ways & Means and the legislature be looking at in terms of budget? Would it be specific

positions and requests for positions?

175 FORBES: We have had discussions with Legislative Fiscal. -Discusses a unified department budget.

182 SEN. SMITH: Creating another budget like Higher Education.

187 FORBES: We would see more detail then that.

190 CEASE: The budget process will still be the way it is currently. -Suggests limitations for each subject area of critical concern.

205 SEN. SMITH: Decisions won't be made on those details regarding staff.

208 FORBES: We presume they will. -Discussion on staffing in regard to budgets.

216 SEN. SMITH: Asks for clarification on staffing issue.

223 FORBES: The authority regarding what the position will do already resides in the individual departments.

231 SEN. SMITH: Who would you go to under this bill? 232 FORBES: We would still have to go to the Executive Department if anything got converted.

234 SEN. YIH: Explains fiscal process and the merging issue.

250 CHAIR DUKES: Discusses budget cuts based on programs. -This seems to be in direct conflict with the process we use to

determine how much money you need.

266 FORBES: Discussion on expectations and resources. -Scenario of a contractor building a house.

310 CEASE: Reviews SB 98.

298 SEN. SMITH: If SB 98 passes where are the controls in the bill to prevent a future director from not carrying out our intent?

317 CEASE: I will check into that issue. -Refers to section by section changes to SB 98. (EXHIBIT B)

TAPE 16, SIDE A

010 CEASE: Continues with review of SB 98, lines 10-32.

028 CHAIR DUKES: Asks about the Marine Board.

031 CEASE: They are statutory.

033 CHAIR DUKES: Concerned about some groups falling out of the system.

037 CEASE: Suggests strengthening language. We do have the language "critical concern" in SB 98 and that is very strong language.

044 CHAIR DUKES: Could you have one manager who covers four or five departments?

048 CEASE: Clarifies line 14, page 3, of SB 98 regarding a "manager" for each department.

054 CHAIR DUKES: Does it mean a different manager?

057 CEASE: It doesn't say that they would be separate. It does say, "a manager for each division," and I don't think they can be combined.

066 FORBES: Combining is not our intent. -Explains current reporting process. -Discusses the diversity within each division.

075 CHAIR DUKES: Depends on how in depth you're doing it.

078 FORBES: Technical expertise is very different. 087 SEN. SMITH: Would they report to you under this bill?

088 FORBES: They report to Paul Meyerhoff who manages Transportation Development and they would continue to report to him under this bill.

093 CEASE: We could change it to reflect that they report to the Director.

096 SEN. SMITH: Do they do planning and development?

098 FORBES: Aeronautics has an operational responsibility. -Discussion on an integrated agency.

110 SEN. WEBBER: Clarification on SB 98 regarding the work flow of the organization.

120 FORBES: Clarifies the responsibility to hire issue.

126 SEN. WEBBER: Language changes regarding "chief administrator," to "managers."

130 FORBES: Explains why the language change is suggested in SB 98.

132 SEN. WEBBER: Asks if there are functional changes. Who does the policy and planning?

137 CEASE: I'm responsible for the policy and planning for DMV and each subject area of critical concern would be responsible for operations in their own areas.

146 SEN. WEBBER: No mention of responsibility for policy.

151 FORBES: The policy should be done at the department level.

156 SEN. WEBBER: Does this put policy authority into the Director's office?

156 FORBES: Explains why they want changes.

166 SEN. WEBBER: How will that move decision making down into an organization?

171 FORBES: Clarifies the issue of authority.

176 CEASE: Discusses the levels within the divisions.

198 SEN. LIM: Asks if they have dialogue with other divisions within ODOT.

203 FORBES: Yes we do and we've already changed our reporting process to align with this bill. -Explains policy issues.

212 CEASE: We all worked together to figure out the best way to functionally reorganize.

224 FORBES: Discusses the involvement within the division.

241 CEASE: Explains the process that went on during the interim.

250 CHAIR DUKES: Ideally we choose the head of an agency and tell them to go out and do the right thing and only intervene as a last resort. There is some fear when there is too much discretion.

284 FORBES: I don't think a director would be any less responsive if they had the authority outlined in SB 98 versus current authority. -Efficient results in government if we looked at a different way of exercising the control. -Discusses performance measures.

311 CEASE: Continues with review of SB 98 in section 5.

330 FORBES: Clarifies the chief engineer issue.

345 SEN. SMITH: Asks about subsection 3, in section 5, of SB 98.

359 CEASE: The wording doesn't make sense. We will check it out with Legislative Counsel.

367 CHAIR DUKES: It looks like it says you will authorize the hiring of the chief engineer and how ever many other people you think you need.

379 CEASE: We will check with Legislative Counsel.

384 CHAIR DUKES: Asks about "chief engineer" title and where it fits into the integrated structure in written testimony. (EXHIBIT A)

368 FORBES: Explains where that position would fit in. -Clarifies position responsibilities. (EXHIBIT B)

399 CHAIR DUKES: The manager of technical services will be the chief engineer. How does that make it any more workable from when you were

the chief engineer?

408 FORBES: Relates to design functions only.

418 CHAIR DUKES: Asks for clarification regarding structure and how they work together. (EXHIBIT A)

450 FORBES: Explains the work flow on page 5 of written testimony. (EXHIBIT A)

TAPE 15, SIDE B

014 CHAIR DUKES: Asks about the chief engineer's responsibilities.

018 LARSON: What is the difference between a highway engineer and a chief engineer?

023 FORBES: Explains the differences between highway engineer and chief engineer.

027 CEASE: Continues with review of SB 98 in section 6.

038 CHAIR DUKES: Do we need a section to add a section?

041 LARSON: Yes.

047 SEN. SMITH: Asks for more information about section 6, of SB 98 regarding traffic safety.

054 FORBES: Discussion about traffic safety and federal dollars for the program.

066 CHAIR DUKES: Explains other states that get around the federal requirements and still receive federal dollars.

073 FORBES: The Federal Government has a clear charge at this time in regard to traffic safety.

083 CHAIR DUKES: We might just need to have a clear definition as to what that individual does.

090 CEASE: The traffic safety functions have not changed. -Continues with review in section 8 of SB 98.

105 SEN. SMITH: Section 9 is existing law that requires long term

plans and then requires reporting to the Governor. -Asks how the implementation of long range plans will be reported with

the proposed changes in section 8 of SB 98.

138 CEASE: Discusses day to day delegation of authority. -Clarifies language in section 8, lines 33 and 34 of SB 98.

149 SEN. SMITH: ORS 184.635 doesn't address rule making.

154 CEASE: It could relate to DMV rule making authority.

160 FORBES: The Motor Vehicle Division is the only division with rule making authority apart from the Commission and the Director.

164 SEN. SMITH: Asks for clarification regarding the delegation of authority. Why in this statute?

161 CEASE: Explains current law on delegation of authority.

177 SEN. SMITH: So you can delegate to your staff?

185 CEASE: We want the people who know what they were doing to do the rules.

189 SEN. SMITH: Would the Commission do any rule making if this passes?

191 CEASE: It depends on the day to day nature of the rule.

196 FORBES: Clarifies intent of sections 8 and 9 of SB 98. 205
SEN. SMITH: This still isn't clear.

214 CEASE: We will ask for clarification from Legislative Counsel about that section.

216 SEN. SMITH: Discussion on the purpose of ORS 184.365.

211 CEASE: We will work to get this cleared up. -Continues with review of section 10 of SB 98.

237 SEN. YIH: Asks for explanation of section 13, SB 98 regarding internal audits.

250 FORBES: Accepted manner to ensure that they have independence.

245 SEN. YIH: There is legislation from the Secretary of State regarding audits.

254 FORBES: Our auditors report to a commission of internal auditors.

280 SEN. YIH: If the proposed legislation passes then SB 98 would change.

282 CEASE: The language doesn't change the fact that the director would designate the auditor. That is current law. -Continues with review of sections 14 and 15, SB 98.

327 CHAIR DUKES: What is the value of the language in section 15 as it now exists?

330 CEASE: Explains how the public transit functions within the department.

339 CHAIR DUKES: Asks for clarification on page 7, line 3, of SB 98 regarding cargo transportation. -Is there another section of law that deals with non-passenger

transportation?

374 FORBES: Explains commercial transportation systems. -Regulation is through the Public Utility Commission.

393 CEASE: These definitions apply to the public transit parts of the statute. -The intent was not to change the functions of anything in statute which says what the department has to do but to change the way in which things get done. -Continues with review of section 16 of SB 98.

TAPE 16, SIDE B

010 CHAIR DUKES: Internal discussions on creating a separate fund for all other modes of transportation?

012 FORBES: Not as part of the reorganization effort.

013 CHAIR DUKES: Seems like we've never been able to get enough money in any of these little funds to do what needed to be done, but yet we're

perpetuating the funds. 022 CEASE: Continues with review of sections 17 and 18 of SB 98.

040 SEN. SMITH: It looks like you're requiring the Director to consult with himself?

041 CEASE: Clarifies section 18 of SB 98. -Continues with review of SB 98.

062 CHAIR DUKES: Would they become like any other manager within ODOT?

060 CEASE: Section 19 of SB 98 is just a reference change.

069 CEASE: Continues with review of sections 19-26 of SB 98.

123 SEN. SMITH: Why don't you give General Services responsibility or ownership of your buildings?

128 FORBES: Good question, I don't have the answer. We would be glad to explore that issue.

138 SEN. SMITH: Do you take care of your own car and truck fleets?

139 FORBES: Explains fleets.

143 SEN. SMITH: This is an area where I think it makes sense to merge and consolidate. General Services expertise is in building, construction

and maintenance. You could get on to other things if you got rid of that

responsibility.

150 FORBES: Explains internal property management.

154 CEASE: We do some work with General Services.

159 CHAIR DUKES: Asks for explanation of section 25, subsection 2 of SB 98.

162 FORBES: Explains changes in the section.

176 SEN. KINTIGH: Are others listed in comparable positions?

188 CEASE: We will check that out and see if there is a better routing. -Continues with review of section 27, page 14 of SB 98. -Discussion on ORS 293.356.

228 SEN. YIH: What is the exception you are removing?

231 CHAIR DUKES: Refers to background document regarding repealed statutes.(EXHIBIT C)

270 CHAIR DUKES: Adjourns meeting at 5:05 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - Testimony on SB 98, Jane Cease, 14 pgs. B - Section Changes on SB 98, Jane Cease, 7 pgs. C - Repealed Statute Information on SB 98, Staff, 2 pgs.