

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.

HOUSE COMMITTEE ON AGENCY REORGANIZATION AND REFORM

March 5, 1991Hearing Room D 3:30 p.m.Tapes 33 - 34

MEMBERS PRESENT:Rep. Clarno, Chair Rep. Hugo, Vice-Chair Rep. Katz  
Rep. Derfler Rep. Jones Rep. Clark Rep. Brian

VISITING MEMBER:Rep. Cease

STAFF PRESENT: Susan Browning, Committee Administrator Scott Kaden, Committee Assistant Kathleen Beaufait, Chief Deputy, Legislative Counsel Susan Wilson, Acting Legislative Administrator, Legislative Administration Committee Patty Greenfield, Administrative Assistant for Senate President Kitzhaber

MEASURES CONSIDERED:HB 2890 - Publications Bill, PH

INFORMATIONAL MEETING:Dan Simmons, Director, Department of General Services (POSTPONED)

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TAPE 33, SIDE A

006 CHAIRPERSON CLARNO: Calls the meeting to order at 3:33 p.m.. Addresses the business of the Committee (budget notes and future agenda). Introduction and background of HB 2890 - the Publications bill.

050 SUSAN BROWNING, COMMITTEE ADMINISTRATOR: Explains the contents of the bill packet and the background research conducted for this bill.

064 REP. DERFLER: Do these figures include the Highway Department?

065 BROWNING: Yes. This includes all printing requests. All printing requests are to be routed through the State Printing Division, with the exception of Higher Education. - Returns to the summary of the bill packet. - Madame Chair, do you want me to discuss the main points of the bill?

095 CHAIRPERSON CLARNO: Yes, please continue.

096 BROWNING: Continues with a discussion of the bill.

114 REP. JONES: Is the purpose of the bill to remove all requirements and leave the options to the departments or agencies? I think we are dealing with two issues here - the number of publications produced and whether in fact a report to the Legislature is important.

121 CHAIRPERSON CLARNO: Rep. Jones, you do have two issues and Kathleen Beaufait will explain and answer in detail every question that you have. This bill will not stop the reporting, instead it will just limit the distribution. I will let Kathleen clarify that.

126 REP. KATZ: I don't mean to pick on the Department of Education (reference to Education First publication). But you are dealing with reports as opposed to other newsletters?

129 CHAIRPERSON CLARNO: Yes, that is correct. We are not eliminating newsletters at this point unless someone desires to do so by amending the bill.

131 REP. KATZ: In some respects the newsletters have less value than an annual or biennial report, which you have chosen to delete.

135 CHAIRPERSON CLARNO: I agree with you on that point. We ran into a lot of opposition when we looked into newsletters and other publications. I am open to recommendations for cost savings. What we have done now is to stop the delivery of these reports to every legislator. Instead, we will get a letter that asks us if we want a copy of the report. If we do so, we will be able to get a copy of the report. Kathleen will substantiate what I am saying in this regard.

145 REP. KATZ: When you started this process, did you have any idea of the cost of the newsletters and their mailing expenses?

148 BROWNING: It was very difficult to get a break-down on the printing and postage. I believe General Services Printing Division could provide some information on the newsletters which are done through their services, but that would not count the newsletters that are done on photocopy machines and that sort of procedure.

152 CHAIRPERSON CLARNO: I might add that the staff did a lot of research. Their experience only added weight to the testimony of John Lattimer and John Radford, with regard to the state accounting system.

156 REP. HUGO: I have a couple of questions. Reference to page eight, the Superintendent's report. Are we assuming that report is written? Because it is not - it is an oral report. Also on page nine, the department does a comprehensive analysis and the report that comes to the Legislature is a copy of the report that goes to the district on evaluations. This is not a separate report to the Legislature.

175 CHAIRPERSON CLARNO: I think it is time to have Kathleen Beaufait comment on the bill. Kathleen was instrumental in writing HB 2890 and I have asked her to speak with us about the bill. Susan Wilson and Patty Greenfield will also join Kathleen. They have some comments to add to our discussion.

184 KATHLEEN BEAUFIT, CHIEF DEPUTY, LEGISLATIVE COUNSEL: When this

proposal was discussed, we asked ourselves how we might get a handle on the reports. One option would be to search for the word "reports," utilizing our computer technology. We searched for the noun "reports." This was sort of a haphazard way of going about this task. To add an element of suspense, we added a delayed effective date which provided for the study of the various reporting duties. This committee would be able to cut reports or extend the life of reports, depending on their conclusions. This bill is basically a place to start. A number of people who have read and analyzed the bill have suggestions to make to fine tune the bill.

222 REP. HUGO: The question I was raising was in Section 19, lines 43 and 44 on page 4. The language that is being deleted implies the Superintendent makes a biennial written report to the Assembly. In fact, that is a pre-kindergarten/Head Start report that I believe is given orally to Ways and Means or Education. When we see the word report, are we assuming that this is a written, published report?

232 BEAUFAIT: We did that because it didn't say "shall report," it said "shall make a biennial report." To me, that would result in some kind of written information being transmitted.

244 REP. HUGO: I have a question for staff, where do we account for the amounts of monies that state agencies collect from their printed materials? Is that accounted for in these materials? Do we have a record of the income from publications?

255 BROWNING: No, we didn't ask for the revenue generated by the sale of publications. I can certainly work on obtaining that for you. Some of this information is tricky to find, but I shall look for it.

248 CHAIRPERSON CLARNO: I think the main thing is that we were not trying to stop agencies from selling or publishing items for sale. We are trying to stop some of the requirements that we have mandated. They came to us, at different times, and have said that they would be able to hold down some of their costs if we didn't mandate these reports.

263 REP. KATZ: I don't mean to be critical, because I think you are on the right track. But these are agencies responding to reports that the Legislature has requested them to do. I sit on a committee that receives far more reports than those mandated by this body. They make that decision. Most of their reports are made strictly for "PR" purposes. You might have far more fiscal impact if you were to look at those reports the agencies print, and then look at the newsletters that they print. If you did that, then you might get rid of some public information officers who are in charge of those newsletters.

286 CHAIRPERSON CLARNO: Many of us thought that would be a great idea, but we are not sure how to get there. If you are willing to try that, I am willing to cooperate. With that, we will have some comments from Patty Greenfield.

294 PATTY GREENFIELD, ADMINISTRATIVE ASSISTANT FOR SENATE PRESIDENT KITZHABER: I can see that this bill is getting way beyond what we had imagined. Initially, we assumed that all this reporting was statutorily mandated. We thought it would be proper to go back periodically and check to see if this was relevant information and purposeful. I would be interested in hearing where you really want to take this bill.

311 CHAIRPERSON CLARNO: When I first came to your office, I wasn't

aware of the volumes of reports that we, as Legislators, receive. We are primarily looking at the distribution of the reports mandated by this body. As Rep. Katz has pointed out, the newsletters and those publications which are not mandated are other issues which we need to address. We must get a handle on these publications as well.

332 REP. JONES: What do we spend, in this building, on paper and printing?

335 SUSAN WILSON, ACTING LEGISLATIVE ADMINISTRATOR, LEGISLATIVE ADMINISTRATION COMMITTEE: We do a phenomenal amount of copying within this

building - approximately \$300,000 for the bills and schedules which we produce. Each day we print 1,600 schedules, 1200 daily calendars, and 600 Third Reading calendars. On Monday, when we come out with the cumulative calendars, we print 1900 copies. Each bill, amendment or engrossment which comes out, we print 1000 copies. We have cut down those numbers substantially in recent years.

359 CHAIRPERSON CLARNO: Why do we print a 1000 of the amendments or 1900 of the cumulative calendars? Are those because of the number of orders?

361 WILSON: Yes. Both the orders and the on-site demands require those numbers of printing. There are some bills which will have only 200 requests, while others will have 2000 requests. It is very difficult to say, before your first printing, exactly what the demand for the bill will be.

369 CHAIRPERSON CLARNO: So if we print 1000 copies of a bill, and we only have 200 requests for that bill, the remainder go into the recycling barrels?

372 WILSON: Yes, that is correct.

376 REP. JONES: Is that reduced from the previous levels? You mentioned earlier that these were reduced levels, but how much have these been reduced?

380 WILSON: I don't have the exact figures. But, I believe they reduced their numbers by three or four hundred. Instead of reordering additional copies in blocks of 1,000, we now reorder 200 at a time.

387 CHAIRPERSON CLARNO: Do you have any estimates for your department, cost-wise, to implement what this bill desires?

392 WILSON: We are looking at that now. Our financial services unit is currently looking at the fiscal impact of the bill. It really will depend on the scope of the bill. As it is currently written, we look at Section 2 and wonder if that speaks solely to those mentioned in statutes. As we read it, we would have to consider all publications. That would be an extensive project, which would require additional staffing for a period of time. Section 3 of the bill (the complaint process) is another area where it is somewhat difficult to anticipate how that would affect the agency. If we are required to respond and check the validity of each complaint, and we didn't have specific criteria, that would concern me greatly.

423 CHAIRPERSON CLARNO: Any other sections of the bill?

424 WILSON: "No, it is certainly feasible that Legislative Administration could conduct such a survey as this. But, it would be nice to have some very fairly clear guidance from the committee as to how broad a survey we are looking at and what to do with the results of it."

430 REP. DERFLER: A couple of months ago, I got a box of maps from the Forestry Dept. I didn't have any use for it so I took it back to the Department. A couple days later I got another box of the same material. I am wondering if we shouldn't try to break down the publications into types, and then take a closer look at the types.

445 CHAIRPERSON CLARNO: I am open to any suggestions. When you look at nearly \$45 million in printing, plus postage, you are talking about substantial amounts.

449 REP. DERFLER: Maybe we could take newsletters and break down that category. Determine how much of it we really need. Maybe the agencies could send a card out asking us if we want a copy of their publication. Maybe that would be an approach we could try.

458 CHAIRPERSON CLARNO: I have had a couple of representatives suggest to me that when Departments are required to report that they should send us a brief executive summary explaining the report first. Then if we wanted the report, we would request a copy.

463 REP. KATZ: Is anyone in the audience from Ways and Means? Are they working the reports as they do the budgets? We need to do that, like we did in the early 198 0's. Are they doing that as they review the budgets?

481 CHAIRPERSON CLARNO: Representative Van Vliet told me that they were looking at publications and printing costs for each and every budget. They are looking forward to receiving information from this committee with regard to suggestions on printing and publishing. That is one of the items they have asked this committee to examine.

497 REP. DERFLER: Does Executive Department have any information on publications?

TAPE 34, SIDE A

033 CHAIRPERSON CLARNO: Dan Simmons will address that issue, when he testifies on this bill.

034 REP. JONES: We can only track what has gone through General Services, which has been requested either through the state printer or through an outside contracted source. I have a feeling there are a lot of things that are printed that do not go through General Services. Am I wrong? I will ask Dan Simmons that question. I think there are opportunities to use additional resources, to work around General Services and the state printer.

042 CHAIRPERSON CLARNO: As Susan mentioned earlier, General Services for 1989 - 199 1, their printing revenues were \$15 million.

046 REP. JONES: Are those revenues or expenses?

047 CHAIRPERSON CLARNO: Expenses.

048 BROWNING: This information was provided by General Services Printing Division and it is based on their viewpoint. They see it as revenues, brought through the Printing Division. The Printing Division charges the various agencies, that is why they recognize and list them as revenues. It is an expense to the agency, but a revenue to the Printing Division.

056 CHAIRPERSON CLARNO: Kathleen, do you have any comments on Section 2 and 3, the points brought up by Susan Wilson?

057 BEAUFIT: I think it will be possible, during your discussions, to refine those sections. We put in certain language that at the time seemed generally accepted. What you have to do is set up some criteria for what you want considered reports, so that the survey requirements are clearer.

070 CHAIRPERSON CLARNO: In light of the comments of the Committee, can we make this bill reach further than it currently does? You have done substantial work on this bill, could you recommend anything further?

075 BEAUFIT: If you want to get to those other reports, we will have to work on a broader definition of what you mean by "report." It is sort of boilerplate language to include the phrase about reporting to the Legislature and the governor.

082 CHAIRPERSON CLARNO: I know that I am looking for that phrase in every bill that I review, and I am terrified at how many times I find it.

085 BROWNING: Several agency administrators have pointed out to me that they don't know what it means, specifically, to report to the Legislative Assembly. There is quite a bit of variation in how they interpret the wording. I think that it is standard boilerplate language.

092 BEAUFIT: I think the confusion is standard as well.

093 CHAIRPERSON CLARNO: It was real disturbing to find language in many statutes which mandates distribution of the report as widely as possible. That is scary in the sense that it may be interpreted in many ways.

097 WILSON: Along that same vein, very often agencies tell us that they are unsure of exactly who should get the report. We get random calls from the agencies asking if providing the Legislative Administration Committee with reports will satisfy the reporting requirement to the Legislative Assembly. We haven't had real clarification in that area and there is no way to track whether the reporting has in fact occurred.

104 REP. HUGO: What is the penalty for not reporting?

106 CHAIRPERSON CLARNO: Good point. - Many agencies we have been in contact with are relieved. - Introduction of Dan Simmons.

123 DAN SIMMONS, DIRECTOR, DEPARTMENT OF GENERAL SERVICES: - Reference to EXHIBIT A, General Service's comments on HB 2890 -You should communicate your objective. You should set up criteria for reporting.

192 REP. CLARK: With regard to your suggested criteria, prospective versus retrospective appears to be the only objective standard. What is your response to the retrospective reports which are currently required, that have indeed saved the state of Oregon many dollars?

220 SIMMONS: As I mentioned, these points are not all inclusive. These are points that I just jotted down. The escape mechanism is an option, and that might need to be there to address the exceptions.

234 REP. HUGO: When we start getting into areas of waste, who defines waste? Who determines what is functional or wasteful? What is important to my district might not be important to yours. Who determines these sort of things?

242 SIMMONS: You do.

243 REP. HUGO: And how do we do that when we are gone for 18 months out of every 24?

243 SIMMONS: You delegate that to Legislative Administration Committee.

244 REP. HUGO: What criteria would you use to determine if these are wasteful?

246 SIMMONS: I can't tell you that. This is not my bill. My suggestions are not complete, they are just thoughts.

245 REP. HUGO: How many publications does your department produce in a cycle?

256 SIMMONS: I can't tell you that right off the top of my head. I have that information and have presented it to the Ways & Means Committee, and Ways and Means is looking very closely at publications.

260 REP. HUGO: If you are going to bid on a building, you have to put out some specifications of some sort. Is that a publication in your mind? An RFP?

263 SIMMONS: Yes, I would consider that a report. As a department, we are looking to eliminate that sort of printing. The bidding process in place now has been in place for thirty years and it is a labor-intensive, resource-intensive system. We want to turn the bidding process around and put it all on electronic medium. If someone is interested in bidding, they would request a printing of the document, fill in the blanks, sign it and send it to us.

278 REP. DERFLER: How do you determine what to print and who has authority to print it? As an agency, how do you determine who gets the notice and how many to print?

289 SIMMONS: It varies. First of all, we don't do an annual report. We do informational sorts of things - newsletters and risk-management notes.

300 REP. DERFLER: There is not one person who oversees all of the publications?

301 SIMMONS: No.

302 REP. DERFLER: So each agency has the right to print, or not to print, at their own discretion?

304 SIMMONS: I wouldn't say at their discretion. They are controlled by budget. I am involved in what goes out, but they do not have to come to me for authorization to print something.

308 REP. DERFLER: Do you suppose that goes on in AFS and all the other agencies?

309 SIMMONS: Oh, I am sure that it does.

310 REP. DERFLER: Do you think it would be appropriate to have someone at each agency that would review each publication?

312 SIMMONS: I don't think so. I think you would spend more money hiring a printing watchdog than you would save. I really believe that. If you want us to respond to the policy direction, tell us what to do and we will do it.

318 CHAIRPERSON CLARNO: What kind of problems could you foresee if your department was asked to handle this surveyorship?

322 SIMMONS: I don't anticipate a problem. We would want to be very specific about what your policy is, but we wouldn't have a problem doing this chore.

326 CHAIRPERSON CLARNO: Some of these suggestions you have given the committee are excellent. What else would you want to add if your department was asked to control this sort of thing?

332 SIMMONS: I am not presumptuous enough to suggest the criteria is complete. I appreciate your comments and I think collectively, you can instruct your staff to expand on what I have given you. In my view, that would be sufficient.

342 CHAIRPERSON CLARNO: Attachment F is the agencies' response to this bill. If we expand this bill a bit, I think we can give the right amount of control and direction. Do you agree with that conclusion, Mr. Simmons?

364 SIMMONS: Yes. As I have mentioned, this is not a tall order for Department of General Services. I may prove to be wrong, but I really don't think it is.

369 REP. KATZ: The other issue is that if we ask private citizens to serve the state of Oregon by sitting on councils or commissions, they put in a lot of time and energy and they do want to share with somebody exactly what they have done during the biennium. We need to be very sensitive about that. If we don't think their information is important to us, then we ought not have the councils and commissions.

381 CHAIRPERSON CLARNO: I agree, Rep. Katz. We need to provide them with some criteria for reporting.

394 REP. KATZ: It doesn't have to be slick paper with a fancy binder. There are ways to put a report together that gives you the information and keeps the cost down. You are absolutely correct when you say that there are some that we ought to get rid of.

401 REP. BRIAN: Common sense should be used when we print any publication, not just the annual reports. Look at how it is done. We do not need the heavy text, four color, glossy stock paper.

416 CHAIRPERSON CLARNO: Exactly. This material then requires heavy-duty manila envelopes, et cetera.

418 REP. BRIAN: Who are making those decisions? It is really expensive when you have four colors, fancy paper, lots of photographs, et cetera. A lot of agencies look at their budgets and if the money is there, they spend it for the best publication they can produce. I wonder if we can identify guidelines to materials used in these publications.

433 CHAIRPERSON CLARNO: Would you care to comment on that, Dan? Can we do that sort of thing?

436 SIMMONS: Yes.

437 REP. HUGO: How are we going to do that? How are we going to put something in the bill which asks people to please use common sense? How are you going to word that?

450 SIMMONS: You identify some fairly obvious examples (tourism material and college catalogues). Most of the printing comes through the Department of General Services, as your staff has indicated earlier. If you are promoting the state tourism department and you really need to go out and competitively market the state, then that is judgment that we could exercise. If it looks out of the ordinary, if we have a question, we will bring it to you. We won't make those judgments ourselves. That is a value judgment we would help with.

464 REP. HUGO: Why have those decisions not been made before?

468 SIMMONS: To my knowledge, there has never been any policy direction. To the contrary, this bill lists a whole bunch of reports that you have mandated. If you are telling us not to do any extraordinary printing, we can follow that instruction. I think the answer is that you haven't told us to do so.

477 REP. HUGO: My frustration level is a bit high. We have to go by anecdote. We have a Treasurer's annual report that was highly criticized in the media because of its slick nature and embossed cover. You had nothing to do with printing that, did you?

485 SIMMONS: We printed some of it. Some was contracted out.

486 REP. HUGO: The question is "who designed it?" Then the ultimate question is, "Who paid for it, the Treasurer's budget?" Do we have a right to tell department heads (Tony Meeke) what to do with their budgets?

495 SIMMONS: I think you do.

TAPE 33, SIDE B

027 REP HUGO: The question is, how would we work that?

028 SIMMONS: As I indicated to you, if you see an extraordinary slick document of those circumstances, and it doesn't meet the criteria that

you will set out, we will bring it back and you will be able to vote aye or nay.

032 REP. JONES: Do you have a feel for how much is printed outside the General Services Department?

035 SIMMONS: I can't quantify that. There are things that go outside. As you discussed, with the evolution of technology, there will be more and more capacity out there in the future. The heavy publications, we will be able to control. The day-to-day jobs will continue to be outside the reach of any control mechanism.

041 REP. JONES: Don't you think the real way to control this is to control the money? If they don't have the money, they will not spend it.

043 SIMMONS: I agree.

044 REP. JONES: When it comes to you, the only way they can have the state printer do the job is if they have the money in their budget to pay for it?

045 SIMMONS: That is correct.

046 REP. JONES: So if they don't have the money in the budget, they are going to find a more economical way of doing the job. Sometimes it would be nice to know who is controlling the purse strings and how big they are.

055 REP. CLARK: I think Rep. Jones is right on the mark. If we included on each publication who paid for the publication, what fund it came out of, whether it was by subscription or a free publication, what the printing costs were, circulation and the frequency of publication, I really believe it would make certain people think twice before sending out what they currently do. On a second point, to follow up Rep. Hugo's rather rhetorical question, should we set up a printing, publications and reporting czar? The czar would have the authority to approve publications. I am only half joking about this concept.

075 SIMMONS: I think you have that right now in the state printer. If you set out the proper criteria, the state printer will enforce the policy, not unlike what you have just described.

081 REP. CLARK: What do you think would be the effect of having the "nuts and bolts" of the costs of the publication put on the actual publication?

083 SIMMONS: That legislation, I think, was introduced last session. Let me look at that and find out for you. There is a fiscal impact in doing that.

088 REP. JONES: I have some problems with the state printer. I can go to my district and get things printed cheaper than the state printer. Is that driving folks to go elsewhere? Are we looking at the state printer's budget adequately?

092 SIMMONS: First of all, let me give you some background. For a long time, the state failed to invest in their printing operation. Up until last session, we were running a fairly labor-intensive operation, a full service shop with equipment that was five or six generations behind

the times. We had to determine what we needed and what our product mix would be. Our product mix is driven by legislative printing. We bought the equipment that allows us to do the type of printing that you ask us to do. That drove the other products that we provide. Those projects that we specialize in are below the market price by about 15%. Historically, we haven't operated the printer as efficiently as we should have.

118 CHAIRPERSON CLARNO: State printing and its antiquation, isn't that going to be an ongoing problem with the financial pinch in which the state finds itself?

123 SIMMONS: That may be. The printing industry is something that I don't know much about. But I would imagine it is changing drastically. I wonder how long you are going to publish 2000 copies of a bill when the technology exists today where you could basically eliminate that?

135 REP. DERFLER: You have stated that you could control printing through the state printing office. Would you control Education First publications? Would you have known this was coming out?

137 SIMMONS: Because I don't know about it, doesn't mean that somebody in my department doesn't know about it. I would suspect that they did.

140 REP. DERFLER: All printing that is done in the state, does it come through General Services?

141 SIMMONS: By law, it is supposed to. Now, whether it does or not is a separate matter. But by law, it is supposed to come through the state printer.

142 CHAIRPERSON CLARNO: The staff had a terribly difficult time in getting an answer for that. We heard from several people that not all printing goes through the state printer.

145 REP. DERFLER: If that is the case, then these figures that you dug up should have been generated rather quickly instead of the laborious process you went through.

147 SIMMONS: We can tell you in the aggregate. The projected expenditures for the next biennium, for in-house and contracted, will be about \$30 million. That is what is projected.

149 REP. DERFLER: Is that the \$48 million figure?

150 BROWNING: I might be able to clarify that a bit. The printing figures are fairly easy to obtain on an aggregate level going through General Services. The postage is totally fragmented. That is where a lot of my time was spent. The printing (in-house and contract) figures were given to me by the Printing Division.

155 REP. DERFLER: Did you determine that everything is going through General Services?

157 BROWNING: I heard anecdotes that perhaps not everything is going through General Services. That would be difficult to identify in a quantitative manner.

164 REP. DERFLER: Perhaps this is another reason for having a centralized accounting in this state.

167 REP. KATZ: How did this mushroom? We cut a lot of this out in the 198 0's. Where is the money coming from? There must be a lot of money coming into to this from many sources. Why have we been missing this?

176 SIMMONS: I really can't answer that question.

177 REP. KATZ: When you add an FTE and always see a services supply line, does that all get put back into the pot to keep this momentum going?

180 SIMMONS: As the printing operation, we don't dictate what the agencies bring to us to print.

183 REP. KATZ: No, I am asking you the question as a legislative fiscal staff person.

185 SIMMONS: First of all, I don't know how big the problem is. I think we can all look at the reports that you get and say enough is enough. You are not looking at a big bunch of money - individually. Unless you look at it as you are approaching it from a broad based policy direction, it does get away from you. Without clear direction from the Legislature, agencies are going to print some things.

195 REP. KATZ: I have no problem with beginning to try to get a handle on this permanently, in some fashion. But I do not want to throw everything out, when some may be worthy. We also have to figure out what the role of the Ways and Means Committee plays. I think that is really where it is at - if the money is not there, they are not going to print.

208 REP. HUGO: I am curious, how do we know this got away from us? What was the level of billing two biennia ago? What were the levels of printing in 1987, 1989 and 1991?

211 SIMMONS: I will get those numbers for you. It has gone up.

213 REP. HUGO: When you are looking at quantities of 3500 or 150, I think the committee has to keep in mind it costs as much to prepare for printing anything, whether you print one copy or a hundred million copies.

220 REP. KATZ: We should also set standards for reports. Reports should be plain white paper, printed on both sides, stapled. That would be a report!

227 CHAIRPERSON CLARNO: When I first started looking at this, I wanted to ban all publications. I have learned, through this process, that many publications are necessary to the public. So we took another path, the path of this bill.

236 REP. CLARK: This reminds me of the constituent mail that I receive. The mail always says cut the waste and the excess, but not the essential services. I read those and I think that is a really great idea. But, it doesn't work out that way.

240 CHAIRPERSON CLARNO: Defining the essential services will be the chore of the committee.

241 REP. KATZ: If they promote themselves (the agencies), that is the

issue. A lot of these reports, which come from the Executive Department, are fluff. That is what you want to eliminate. Those have no value except to maybe the management of that agency.

250 CHAIRPERSON CLARNO: Thank you for your testimony. We have others who wish to testify on this bill, could you come back and give an overview of your department? We would appreciate that, and I will make sure Susan makes appropriate arrangements. We need to continue our efforts to fine tune this bill and I hope that you will be involved in that process. - Introduction of Douglas Hutchinson

255 DOUGLAS HUTCHINSON, EXECUTIVE DIRECTOR, COMMISSION ON INDIAN SERVICES: See Exhibit C for argument concerning their exception to the bill. - Specifically addresses Section 8, HB 2890.

361 REP. BRIAN: Mr. Hutchinson brings up an interesting point. This bill removes the requirement of a report, but it does not prohibit the making of a report. Is that correct?

367 CHAIRPERSON CLARNO: Yes, this is correct. They may still do the report, but they are not required to do so.

382 REP. BRIAN: If the requirement is removed, would any of the agencies be prohibited from reporting?

387 BROWNING: Attachment E shows the changes within the bill. For the Commission on Indian Services it was proposed to delete the required biennial report to the Governor and Legislative Assembly. They would not be prohibited to make such a report if they wished to do so.

395 CHAIRPERSON CLARNO: Or prohibit them from distributing the report. They still could report, but they are not required to do so.

398 BROWNING: The intent of the bill was to remove the statutory mandate for reporting, but still leave the discretion with the commission or agency.

402 REP. BRIAN: Does this matter to you, Mr. Hutchinson? Is it important to you that you be required to do this, or just that you not be prohibited from doing this?

407 HUTCHINSON: Yes, I think you have touched on a key point for this particular commission. These Indian tribes are independent and sovereign governments. They put great stock in the formality of their relationship with the state of Oregon. Right now, to be very honest with you, they are feeling a little under attack. They have received a 33% cut in their budget and they feel that this relationship is in danger. They are trying to maintain the relationship, for the formality of it has a certain dignity to it.

435 CHAIRPERSON CLARNO: I hope that you will assure them that by no means are they under attack and that we are very appreciative for their frugal efforts in the past to deliver information in such an economical way. We will certainly take their opinions into consideration as we deliberate this bill. - Introduction of Laurie Wimmer.

TAPE 34, SIDE B

011 LAURIE WIMMER, EXECUTIVE DIRECTOR, COMMISSION FOR WOMEN: - I am here to represent the Commission for Women and the Commission for Hispanic

Affairs.

- We feel this bill confuses the issue of prohibition vs. simply the removal of a requirement. - I would recommend one amendment. Rather than take out the language stipulating the reporting requirement, change the "shall" to "may report."

029 CHAIRPERSON CLARNO: You're not suggesting each and every department agency in the state, you are talking about the Hispanic and Women Commissions, is that correct?

031 WIMMER: I am speaking on behalf of those two commissions, but I think you could apply that to many of the commissions with similar functions. Just as a way of explanation, our biennial report functions by intent and content two ways. One, it is a means of accountability to the government, for what our agencies do. More importantly, it is the voice of the citizen constituents that we represent.

036 CHAIRPERSON CLARNO: Laurie, you realize that we are not asking you to not make the publication. We are just asking various agencies to limit to whom they report. In several cases, the publications received from the agencies are duplicated by others. We are not trying to limit people from providing the information to the Legislative Assembly, we are merely trying to limit its distribution. The materials sent to many of us simply does not get read due to our time constraints. I just want to make sure that you understand that we are not prohibiting you from making the report.

048 WIMMER: Because of Section 3, which sets up this Citizen Complaint mechanism, my fear is that you are inviting abuse. Sometimes our commission handles very controversial issues. Some people may even have a personal problem with our very function, as you may know from our experiences with Ways and Means. This is a mechanism which invites abuse. My fear is that it will have a chilling effect on our agencies to use discretion. We want to avoid, in a sense, sort of a "thought police." Some language in this bill does refer to elements which are subjective - is the report useful, meaningful, economical, all subjective terms which are broadly open to interpretation. - It may need very specific criteria established in order to stop any abuse of this mechanism.

065 REP. CLARK: There are only two ways to do this. You either take the approach as outlined in this bill, or we say to every agency, including yours, cut your printing and publication costs by 75% or 50%. I assume you would prefer the latter approach.

065 WIMMER: Our statute requires us to prepare a single report to the Governor, biennially. We are not talking about a lot of funds. We have always used one kind of paper, generally in-house, and in a very unsophisticated, economical manner. Small commissions, because of their low level of funding, have made frugality an art form from their inception. We are not talking four color, glossy presentations to many people.

076 REP. CLARK: If you are trying to get a handle on the larger problem, the larger expenses, you either write the guidelines or cut the funding. Writing the guidelines is inherently difficult, while cutting the funding is remarkably simple. Cutting the funding would be the easiest and it stays away from the "thought police" business.

086 CHAIRPERSON CLARNO: In your own commission, what is your money levels for reporting?

090 WIMMER: We have no specific line-item which addresses reports. Since I have been on board (three and one-half months), we have done everything internally. I even purchased my own business cards, as a donation from a personal citizen. I run the covers for my reports in-house. It would be very hard to put a price on it because we use our own office's supplies.

098 CHAIRPERSON CLARNO: You don't know what they spend annually on printing and publishing costs?

099 WIMMER: Madame Chair, we have had the shuttle handle our delivery (no postage costs). As far as printing costs, I don't have those figures with me. I do know that for a great deal of what we have done, we have sought donations of printing and labor from supporters within the community. Sometimes we are actually able to get free printing.

104 CHAIRPERSON CLARNO: When you say you use the shuttle, what do you mean? Someone had better enlighten me on that.

105 WIMMER: The inner-agency mail service that is free to agencies.

106 CHAIRPERSON CLARNO: I see.

107 REP. DERFLER: It was my impression that all this printing goes through General Services. But I don't hear you saying that you go through General Services, is that true?

110 WIMMER: I am sure that our previous biennial reports went through state printing because that is a requirement. I am talking about other publications that we have done in addition to the biennial report. These publications are so small, that it does not justify going through state printing because we are talking about five or ten copies of very specific information.

118 CHAIRPERSON CLARNO: What you do send through state printing, do you know the cost of that publication?

119 WIMMER: I am sorry, I do not. But I can get that to you. - This biennial report is the citizen's voice, it is our sole voice. To cut off that biennial report, even to include us in the bill, it is our feeling that it is a lack of recognition of the value of that voice in a policy-making sense.

127 REP. DERFLER: This doesn't cut off your voice, it just says that you may make such a report.

128 WIMMER: Correct, that is why we proposed the change in the language so that is much clearer.

130 BROWNING: If I may explain this briefly, the Commission for Women is one of those bodies whose required biennial report to the Governor be deleted. They could still make the report, according to their discretion, but it would not be statutorily mandated that they would report.

133 REP. DERFLER: But they still may make the report.

134 CHAIRPERSON CLARNO: Certainly, they may do it. That was the point I was trying to make earlier. We are not trying to delete your voice. We are not requiring you to do it, but we are not prohibiting you from doing it as well.

139 REP. BRIAN: I understand the struggle of the smaller commissions to be heard. The sensitivity is understandable. What is difficult is that we are talking about so many different groups, with different sizes. None of these deletions would be prohibitive, so people will probably go back to their own ways. Somewhere along the line, we have to talk about bringing the problem into focus, and not punish the innocent, so to speak. - No one has tried this before, and I think we should try it.

179 REP. DERFLER: Should we set a goal to ourselves? Should we set a level for printing which decreases each year?

184 REP. BRIAN: It would be a benchmark. The key thing would be have some sort of measure of the outcome. We have all seen a lot of waste in this area. If it wasn't printed, absolutely no one would ever notice.

196 CHAIRPERSON CLARNO: I think we have to do away with agency self-promotion. We must discourage this sort of behavior. I found it interesting that only two agencies or commissions have come forth to speak on this bill. This is a substantial amount of money.

221 BROWNING: Executive Department has brought an additional amendment for an additional publication that could be eliminated.

225 REP. BRIAN: Did I hear right that we may expand this bill to cover newsletters as well?

228 CHAIRPERSON CLARNO: Yes, the Chair is certainly open to that. I will have the Committee Administrator contact all the members and survey your interest in this matter. I am open to all suggestions. I think we are talking about real money and real waste.

235 REP. BRIAN: Reference to SAIF "Straight Talk" publication (a publication sent to their employees).

244 CHAIRPERSON CLARNO: With that, we will close the Public Hearing on HB 289 0. This committee meeting is adjourned.

Submitted by:

Reviewed by:

Scott Kaden

Susan M. Browning

#### EXHIBIT LOG

Exhibit A - Dan Simmons - 1 page Exhibit B - Dan Simmons - 8 pages  
Exhibit C - Douglas Hutchinson - 4 pages