

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

April 4, 1991Hearing Room D 3:30 p.m.Tapes 51 - 52

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

STAFF PRESENT: Susan Browning, Committee Administrator Scott Kaden, Committee Assistant

MEASURES CONSIDERED:HB 2890 - Publications Bill, PH and WS

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TAPE 51, SIDE A

004 CHAIRPERSON CLARNO: Calls the meeting to order at 3:35 p.m.. - Addresses the business of the Committee, specifically the committee recommendation on Higher Education which the Speaker has asked to put a "hold" on for now.

(Tape 51, Side A) HB 2890 - PUBLICATIONS BILL, PUBLIC HEARING
Witness:Patrick Grace, Documents Interest Group of Oregon Susan Wilson, Legislative Administration Committee

030 CHAIRPERSON CLARNO: - Introduction of first witness on the list, Patrick Grace.

033 PATRICK GRACE, REPRESENTATIVE OF DOCUMENTS INTEREST GROUP OF OREGON:
Submits and summarizes written testimony (see EXHIBIT A).

058 REP. DERFLER: What specific language do you object to in Section 2a.(1)?

059 GRACE: There are four criteria (a,b,c, and d) and we feel these guidelines are too vague and broad.

066 CHAIRPERSON CLARNO: Were you in attendance, Mr. Grace, when we had the other two hearings on this bill?

067 GRACE: No.

068 CHAIRPERSON CLARNO: In those hearings, Rep. Katz stressed the point that we want to make sure the agencies simply are not just promoting themselves. This is the language that Legislative Counsel suggested to us.

072 GRACE: If it is carried out that way, that would be fine. It just seems that it is too broad and it will involve subjective judgment.

075 REP. KATZ: There are documents that aren't worth publishing.

076 GRACE: I agree. I am wondering if this is the correct language to correct that problem.

077 REP. KATZ: Be more specific. What is it that your particular organization finds unsatisfactory?

078 GRACE: In libraries, researchers and other people who are keeping tabs on the agencies use the agency reports to learn what that agency has been doing. Without those reports, they do not know what is going on.

085 REP. DERFLER: Do you have replacement language which will accomplish what we desire to accomplish?

086 GRACE: I don't have any replacement language. I would ask for some mechanism which would allow citizens a 90 day period to petition and make known their opinions for why they need the reports and why they shouldn't be making reports.

092 REP. DERFLER: I don't see anything wrong with approaching this issue from a factual rather than an editorial manner. Does that language bother you?

094 GRACE: Yes. On a philosophical basis, separating fact from opinion is certainly a difficult thing. I don't know if the way you suggest is the proper way to do it.

098 CHAIRPERSON CLARNO: You mentioned in your testimony that this bill "cuts out reports". I would like you to show me in this bill where we cut out reports, keeping people from reporting.

100 GRACE: All the way through the bill you make it unnecessary for the various agencies to make their reports.

102 CHAIRPERSON CLARNO: You realize that we have checked with the agencies, and many of the statutes will allow for the report to be made, only not available to as many people. Some reports will not be made, in situations where the report is obsolete. How do you suggest we take care of \$44 million in printing costs and \$38 million in postage? This Committee has tried very hard to address this issue.

111 GRACE: I have one possible suggestion - strengthen the state repository library system. If every agency sent their reports to the state library and they were then sent on to all the depository libraries, then the public and academic libraries throughout the state would have this information available for the general public.

118 CHAIRPERSON CLARNO: Is that done now?

119 GRACE: It is. The mechanism is in place now, but the reports are not always distributed as mandated.

120 CHAIRPERSON CLARNO: And how many requests do you have for those reports?

121 GRACE: I don't know. In my library, we have plenty of requests. I don't have a particular number, though.

122 CHAIRPERSON CLARNO: Who usually requests those types of reports?

123 GRACE: Academic researchers, the business community and other researchers.

125 CHAIRPERSON CLARNO: Do you feel that our bill will affect those reports sent to the depository libraries?

126 GRACE: I am saying the depository library program that is in place is not working well now. This bill would tend to retard it even more. Many agencies don't send their reports to the state library presently.

131 REP. HUGO: We have two issues here: publication and distribution. As far as distribution goes, you are suggesting that we require all agencies to include the depository libraries on their distribution list. Are you suggesting that the general public rely on the library for that information?

134 GRACE: They have that mechanism now. It is up to the libraries to publicize this, and let the public know. It takes an aggressive effort on the libraries to let the public know.

141 REP. DERFLER: I have a solution to the problem. Let's just send all of the information to the libraries and let the public get the information from them.

145 CHAIRPERSON CLARNO: Any further questions? Mr. Grace, thank you for your testimony.

145 SUSAN WILSON, ACTING ADMINISTRATOR - LEGISLATIVE ASSEMBLY COMMITTEE: I have just reviewed the amendments and understand the functions of the bill are transferred to General Services, rather than LAC. If you feel there is a need for legislative oversight, we are certainly available to provide that whether through administration or through individual committees. The decision is really up to the Committee, as opposed to my call.

167 CHAIRPERSON CLARNO: Closes public hearing on HB 2890 and opens a work session on HB 2890. - Any comments on this bill or proposed amendments?

170 REP. DERFLER: We are taking this out of the Legislative Administration Committee and putting it into General Services. Then General Services will make the determination of whether the report will be printed or not printed. Is this correct?

178 SUSAN BROWNING, COMMITTEE ADMINISTRATOR: Yes, that is correct. Refers the members to their bill packets, specifically the summary on the amendments. The dash one amendment has been hand engrossed into the

copy of the bill. I worked with Legislative Counsel on this amendment, based on the comments of the committee members. It does transfer the survey monitoring mechanism to the Department of General Services. - Section 3(a.) is where General Services is referred to in this act.

213 REP. DERFLER: Doesn't General Services come in before that section, at Section 2(a.) (2)?

215 BROWNING: Yes, you are right. They are mentioned at that point as well.

217 REP. DERFLER: At that point, they will determine whether the report should be printed or not printed?

219 BROWNING: That is correct. They would be applying the criteria outlined in Section 2(a.)1, subsection a. - d..

222 REP. JONES: The bill states "during the period ending June 30th." Are you saying the biennium beginning July 1st?

224 BROWNING: That is correct. This would be July 1 through June 30, 1993, as proposed here.

227 REP. JONES: So it would begin immediately - at the beginning of this next biennium.

228 BROWNING: Correct. Refers back to the bill packet for additional amendments.

248 REP. KATZ: Let me see if I understand this process. For example, on Section 9 of the bill, I happen to be on the Alcohol and Drug Abuse Council. In this bill, you basically say that what they plan on doing should not be reported to the Legislative Assembly. You have basically told them not to report. How does General Services then get the information whether to determine whether that report ought to be printed or not, if you tell them they cannot print your report? - You are saying the report is not required to the Legislative Assembly. If they wanted the report to go to the Legislative Assembly, they would have to put the report together and give it to General Services for approval.

270 BROWNING: This is a two-pronged approach. In the initial bill, Legislative Administration Committee was set up to do the surveying and monitoring. At the same time, the bill eliminated specific reports.

275 REP. DERFLER: Can you give me a reason why we changed that set-up?

276 BROWNING: This amendment was based on some committee members' suggestions.

277 REP. JONES: We talked about this change.

279 CHAIRPERSON CLARNO: That is why we asked Susan Wilson back to clarify this situation.

281 REP. KATZ: If I were an agency that wanted to share a report with the Legislature, then I would put in a request to General Services with what kind of information I wanted to provide.

286 BROWNING: That is correct. The reports that have been repealed in this bill have been repealed under statute. The Alcohol and Drug Abuse

Council could still report, they just don't have the mandated requirement. They are no longer required by law to do so.

291 REP. KATZ: But the report must be approved by General Services, correct?

292 BROWNING: That is correct. Under Dash one, General Services would review the state agency report. I would envision that the agency would take it to General Services and ask for approval.

302 REP. KATZ: How many people will General Services need to review all of this?

304 REP. HUGO: How many people will have the ability to say "No, the report will not be issued"? Dan Simmons?

306 BROWNING: Rep. Hugo, as outlined here, this duty is assigned to the Director.

309 REP. HUGO: So Mr. Simmons or his designee could say yes or no, on each individual report.

313 CHAIRPERSON CLARNO: Don't we have somewhere in this bill that they still shall report to the President of the Senate and the Speaker of the House?

314 REP. KATZ: Yes, Section 3(a.).

316 CHAIRPERSON CLARNO: Reports are made and presented to them, if the legislators want them or request them.

318 BROWNING: Page 2, Section 3(a.) states that the Director shall report to the legislative committee assigned to hear this matter. He would outline how many reports he had approved, how many he had disapproved, and the cost savings. At that time, there could be changes made to the policy as well.

326 REP. JONES: Let us back up here, I think we have confused the issue. They report the success of the process to the Legislative Assembly committee, whatever that might be. I am looking at page four which removes the requirement for reporting. The issue is not whether you report; it is in what format that you report. This doesn't say that you must have a printed program, this just asks that you report. You are removing the requirement which tells the legislature what you are doing. I think this is a problem.

344 CHAIRPERSON CLARNO: That is my point. In this bill, we have included that the report shall be provided to the President of the Senate, the Speaker of the House, and the Governor.

348 BROWNING: As HB 2890 was originally drafted, it was based on a review of the statutes which required printed reports to the legislature or the Governor. It was recommended that certain reports be repealed, and so we reviewed the statutory requirements which mandated those reports. This does not mean that they may not report, it just means that they are no longer statutorily required to report.

358 CHAIRPERSON CLARNO: Rep. Hugo has just brought to my attention page seven, Section 17. That is the language that I was referring to prior to your question, Rep. Jones.

366 BROWNING: As I originally provided information to the committee on this bill, it depends on the different publication. Some of the publications have their mandate removed for reporting. Others have their reporting limited to the President of the Senate or the Speaker of the House. Yet in other cases, it is repealed all together.

378 CHAIRPERSON CLARNO: So if you get back to what Rep. Katz asked, with reference to Alcohol and Drug Abuse Council, has that statute been repealed and why has that been repealed?

388 BROWNING: On the Alcohol and Drug Abuse Council, this bill would repeal the requirement that they report to the Legislative Assembly.

373 REP. KATZ: They could still report, if they wanted to. But they would have to get it approved by someone in order to report.

395 BROWNING: This wouldn't remove their ability to make a short, personal report to the Legislative Assembly. It was not intended to remove the ability of the agency to report.

401 REP. KATZ: I understand that. But what if they wanted to actually print a report? I happen to know what is in some of these reports, and they are of use. Let us assume that they want to report, even though they are not required to do so. They then would have the ability to go to General Services to ask for permission to make that report to the Legislative Assembly, in printed form.

411 BROWNING: Yes. That is correct.

412 REP. HUGO: Then Dan Simmons has the right to say "no." Here we have one public body (commission) who wants to make a report and one person in the state agency can say "no". That does not make sense.

416 REP. KATZ: Based on set criteria.

417 CHAIRPERSON CLARNO: That is why Legislative Council thought it would be best to have it in LAC. We should have General Services fully understand that if the agency is meeting the criteria, i.e. the necessary elements, I don't see anything in this bill which would give them justification for denying the report.

434 BROWNING: That is correct. Under the Dash one amendment, General Services would have the responsibility to apply this criteria (reference to page two, Section 2(a.)1 - 2. - Are there are any questions on this bill packet? - General Services did have some suggestions and concerns with giving them the authority to act in such a way.

450 CHAIRPERSON CLARNO: Susan, please let me interrupt you for a moment. Every agency affected by these statutes in a negative way has had amendments drafted for them. Many agencies were pleased that they wouldn't have "to distribute as widely as possible". Other agencies expressed to us that they felt their reports were duplicatory in nature.

472 REP. JONES: When I think about reporting, I don't think of reporting having to be in writing. I would be very concerned about removing the requirements that allow the Legislature to be informed on the issues. We have to be very careful as we do this process. The printing and volume of printing is an issue that we must look at. But if we are to maintain cost effective programs, we have to know what they

are doing with the funds we have appropriated.

TAPE 52, SIDE A

034 CHAIRPERSON CLARNO: Yes, and Rep. Katz has brought this up before on hearings concerning this bill. We have to establish a means of getting a handle on this material. We have to limit the distribution. We have to set up a mechanism for identifying what reports are vital and what reports are not.

042 REP. KATZ: Ideally, we would be able to tell the appropriate manager to stop it. We would limit their funds and instruct them to report only what is of vital interest to the public. But, we do not run the Executive Department, so this probably is the only way that we can go about this task. Ideally, this is an executive decision.

049 CHAIRPERSON CLARNO: That is an excellent point. Susan, could you please continue your discussion on the bill packets?

051 BROWNING: Reference to the summary on HB 2890 amendments. Explains amendments on Indian Services, Hispanic Affairs, and Women's Commission.

072 REP. KATZ: What about the Commission on Black Affairs?

073 BROWNING: We didn't hear back from the Commission on Black Affairs. We notified each agency affected by this bill and we received replies back from many agencies. We did not receive a reply back from Black Affairs. - Continued with explanation of amendments.

096 REP. KATZ: Ideally, it would be quite simple to have all of these reports on the data base available to all Legislators. We should all be provided with computers to do the state's business. We should have all of this information on computers which would allow you to save tremendous amounts of money.

108 CHAIRPERSON CLARNO: That would be ideal. That would also save a lot of staff time as well.

113 REP. JONES: How many Legislators have computers? Don't we have access to this sort of proposed computer network? Ms. Wilson, what kind of process would that take?

120 WILSON: There are a variety of things that could be used. There have been proposals in the past that would allow for the purchase of computers for all Legislators.

121 REP. KATZ: Did I say "no" to that?

122 WILSON: Yes. I am sorry to say. At this point, the money has not been made available for that to happen. There are other systems within the building that could be used. The Legislative Library does have their catalogue, and they do receive many reports from state agencies. That catalogue is available and could be made available, electronically, to the members. We are looking at some of these items. We currently have the statutes available on data base, and I know there are ongoing experiments with regard to putting statutes on laser disc. That is all out there, but we are not quite to the point of plugging into all of those elements.

141 CHAIRPERSON CLARNO: That would be nice to be able to see reports electronically.

146 WILSON: There are some state task forces that are looking at electronic storage of information. As far as coordinating agency reports, that may be something the group may want to look at.

150 REP. JONES: What if we simply had a statute which required that as this technology becomes reality, and distribution can be done electronically, that the reporting requirement be removed?

154 WILSON: There might be some questions about public access. While some libraries are up to that technology, many others are not. If you are using the library system, that might limit the public access to those reports. On any reports that are made, we often get large amounts of calls and requests for reports.

162 REP. JONES: As it is available electronically (my proposed language) doesn't mean that it cannot be printed. It just means that it doesn't require the printing.

165 WILSON: The cost of the printing then transfers, if it is something that we have here at the Legislative Library (electronically). Our costs would rise dramatically for printing those reports.

168 REP. JONES: But in terms of the state itself, it seems like it would be a savings.

170 CHAIRPERSON CLARNO: What would be the fiscal impact if your office was asked to handling this monitoring?

175 WILSON: I think we figured at least one FTE, particularly if the complaint mechanism was involved.

178 CHAIRPERSON CLARNO: If the complaint element was involved?

179 WILSON: Yes, that could take a considerable amount of time.

180 CHAIRPERSON CLARNO: Once they realize there is a complaint mechanism, you might have an increase in your workload. Am I hearing that the complaint mechanism might be one of the items which would make you hesitant to take on this task?

183 WILSON: I think that is correct. The complaint mechanism is of greater concern than any other element of this bill because it is very broad.

188 CHAIRPERSON CLARNO: On that same vein, Susan, did you have a chance to research Rep. Clark's request that estimated publishing costs be included on the publication?

195 BROWNING: Yes, the committee members have that information in their packets. General Services had a problem with this issue, specifically the logistics of how an agency would know the actual costs of publication, before the publication. They suggested: 1.) adding a label to the publication (after printing), 2.) an estimate of printing costs or 3.) keep a record of publishing costs and provide that information to the public, upon request. - They also had some concerns about the criteria that were outlined in the Dash one amendments and how they applied to newsletters. They asked for deletion of the newsletters and

the creation of a new section for newsletters and other publications.

235 REP. KATZ: I thought the idea was to eliminate the newsletters which serve very little purpose.

239 BROWNING: The Dash one amendment lumps reports to be included with newsletters and all agency reports of any kind. On line two of the amendment, "report includes every agency report required or authorized by law or rule and every newsletter or other account regardless of form".

248 CHAIRPERSON CLARNO: So you are saying that General Services would recommend that we not word that amendment in such a way. Instead, separate newsletters out from the rest of the publications.

249 BROWNING: Yes. They would like to have one section address the reports and have another section that would address newsletters and other types of publications, with separate criteria.

255 REP. KATZ: Few newsletters would pass the criteria established under Section 2)a.1. I guess this is a policy issue. Do you want to eliminate those newsletters completely, or do you want a new set of criteria especially for newsletters? I think the criteria provided will be all-inclusive. That is really the issue, do you want a newsletter that communicates issues, activities and events of the department? I thought we had made that decision.

272 CHAIRPERSON CLARNO: I thought we had made that policy decision as well. - Obviously, we won't be able to move this bill out of committee today. We need to work on it a little more.

280 REP. JONES: What we are trying to say is not that everything that is printed is not necessary or important. We are trying to decide who makes the decision and how it is made. - We need to make managers accountable for what they print and to look at the cost savings which may occur. The language needs to address the necessity for newsletters, and relay that message to the managers who are making decisions about this subject. Maybe that would be most appropriate for Susan Wilson. We also have to include a means for determining how much we save as a result of our actions.

303 REP. HUGO: Every budget note at Ways and Means is requiring a report. We, as a legislative body, are asking for reports all the time. I think Rep. Katz has a great idea. We should send a letter to the Chief Executive Officer (the Governor) and tell her to please stop wasting money on reports. Then we have to tell ourselves to stop asking for reports, unless we really need them.

319 CHAIRPERSON CLARNO: When you start to look at this issue and you find 163 statutes where we have mandated these reports, it is really frightening.

330 REP. JONES: We want them to recognize that reporting to the legislature does not mean that each agency must provide a copy of the report to every legislator.

335 CHAIRPERSON CLARNO: This is how we started this process. We asked why do 90 legislators get a report when, in fact, they might not even look at it?

351 REP. JONES: We have to make sure that it is common knowledge that if you want a report, this is the place to get it, where ever that may be. We must ask our agencies to do the printing in the most cost-effective way.

357 REP. KATZ: I don't have any problem with trying to eliminate these newsletters. If there is a hardship out there, then we will hear about it. We did this once before in the early 1980's. They were told not to print any of this stuff.

364 REP. CLARK: That was one of the original reasons why I suggested putting the cost of publishing on the publications. I thought that might cause the managers to think twice.

367 REP. KATZ: Rep. Hugo had a great idea. He thought every publication should include the following phrase: "This document has been printed at enormous public expense".

374 CHAIRPERSON CLARNO: What is the opinion of the Committee?

377 REP. HUGO: I am not so sure that we have defined the problem. We have some great solutions proposed here, but I am not sure we have defined the problem.

381 REP. JONES: When we ask for reporting, Legislative Assembly doesn't have to mean distributing to the world, in huge, printed glossy form.

391 REP. KATZ: You would eliminate the distribution of reports required by us, by placing one report in the State Library and one report in our Legislative Library. The question is, are there savings when you print two reports versus 100 reports?

402 REP. JONES: You can produce a report with desk-top publishing. It doesn't have to be an expensive affair.

404 CHAIRPERSON CLARNO: We might want to include some of these policy statements within the listed criteria. - Rep. Hugo has just offered to work with the Committee Administrator on this bill. Anyone else who would like to contribute to this work group is welcome. - The work session on HB 2890 is closed and the meeting is adjourned at 4:31 p.m..

EXHIBIT LOG

Exhibit A - Patrick Grace - 1 page

Submitted by:

Reviewed by:

Scott Kaden

Susan M. Browning