

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

May 14, 1991Hearing Room D 4:00 p.m.Tapes 76 - 77

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

VISITING MEMBER:Rep. Van Vliet

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

MEASURES CONSIDERED:HB 2896 - Memberships and Subscriptions, WS HB 2892 - State Motor Pool, WS HB 2893 - Advisory Boards and Commissions, WS

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TAPE 76, SIDE A

006 CHAIRPERSON CLARNO: Calls the meeting to order at 4:07 p.m.. Opens work session on HB 2892.

(Tape 76, Side A) HB 2892 - STATE MOTOR POOL, WORK SESSION
Witnesses:Rep. Tony Van Vliet, Chairman of Joint Ways and Means Committee Roger Bassett, Oregon State System of Higher Education Cameron Birnie, Department of General Services

011 SUSAN BROWNING, COMMITTEE ADMINISTRATOR: Explains the bill packet on HB

289 2 (EXHIBIT A, EXHIBIT B, EXHIBIT C).

058 REP. JONES: Has Rep. Van Vliet had an opportunity to review these amendments?

060 CHAIRPERSON CLARNO: He has briefly reviewed them, and I am hoping he will comment on them.

061 REP. TONY VAN VLIET: I would like to get on the record the

Committee's interpretation of item three, page two, line 7 of Exhibit A.

Will students at the site of the accredited university be considered under the supervision of the university, if they are travelling under the auspices of the university? Is that the intent of this language? As long as the event is sponsored by an accredited university?

070 CHAIRPERSON CLARNO: That is my understanding of this language. Would any of the other members like to comment?

072 REP. JONES: The language says "held at a site under the direct supervision of the sponsoring college or university." We have discussed this question before, and my memory tells me that being merely under the "direction of" does not qualify the student.

076 REP. VAN VLIET: That would make a difference to a lot of travelling student groups.

077 REP. JONES: The site must be under the direct supervision, not the student.

078 REP. KATZ: You could go to the beach to watch whales, and that would not qualify.

080 REP. VAN VLIET: "Sponsoring" has a broad interpretation available. I don't think we have a problem with that language. The key question is the language concerning the "site" language. Does the university have to be represented at the site? Do we have to own the tidal pools on the coast, or do we have to own the field house in order to hold an athletic event?

092 REP. JONES: The first part of this section is not the problem.

093 REP. VAN VLIET: That is correct.

094 REP. JONES: But in this language the "site" is what is under direct supervision, and not the students.

095 REP. VAN VLIET: Which means that, if you take a team to any site, that site must be under the supervision of that university. Another university may not welcome that type of invasion.

099 CHAIRPERSON CLARNO: Explains to Rep. Clark, the item under discussion.

112 REP. CLARK: I guess my initial reaction is, what happens if you take your team over to another school outside the State System, and you are the visiting team?

120 REP. DERFLER: If you took a debate team to a radio station, this language would not cover that event. They would have to rent vehicles through the purchase order process or use their own vehicles.

123 REP. VAN VLIET: Was that the intent of the bill? Did we intend to do that?

124 REP. DERFLER: I think that was the conclusion of what it meant.

125 REP. HUGO: The language is proscriptive, "shall not authorize." If you said what they may do, as opposed to what they shall not do, then we might avoid this preclusion which troubles many. We have a State

Board of Higher Education that is responsible for the management of their system and I am not terribly interested in putting straight jackets on them. I am more interested in students not taking vehicles for non-school related activities.

137 CHAIRPERSON CLARNO: That is what we were trying to reach with this bill. We have received many complaints from the public and the Risk Management Division. But, we don't want to make it impossible for some groups to do some of the things that do need to be done.

154 REP. VAN VLIET: It might be helpful if we look at knocking out "at the site," but keeping the supervision language. Then you would retain the tight supervision of the sponsoring university, and you wouldn't have to address the issue of where the event will be held (i.e. radio station, private field-house, etc.). - As long as the event is sponsored and the sponsoring party is an accredited college or university, I think we have tight rein. What we are really trying to stop with this bill is unauthorized use of vehicles to events that are of a questionable nature.

167 CHAIRPERSON CLARNO: That is correct. We would like to see the universities tighten up their policies so that vehicles are used for valuable academic pursuits. - Rep. Van Vliet suggests that we delete the words "held at a site" (Exhibit A, page two, line 9).

174 REP. VAN VLIET: Yes.

175 REP. BRIAN: I have no objection to that change. We struggled with this "site" issue earlier. I think we used "site" because it was a more generic term. Unfortunately, the universities do not have direct supervision over the ocean or its tidal pools.

180 REP. VAN VLIET: Correct. It has been tough to capture tidal pools.

182 REP. HUGO: Let me rephrase this a bit. What we are trying to do here is to say that we don't want the State System authorizing vehicles for students, unless the activity they are attending has some relationship to a State System program. Why don't we just say that? The language would read, "The State Board of Higher Education shall not authorize or allow the use of any state- owned and licensed motor vehicle to transport students to an event not directly related to a State System of Higher Education program." In that, we are taking the onus off where you are going and putting it on who is authorizing the use of the vehicle.

193 REP. VAN VLIET: I am not sure that is tight enough for the people who have asked for this bill.

194 REP. HUGO: Well, we have to set the policy very clearly. We want students to be able to travel to events that will be beneficial to programs of the State System. That could include a radio station, a marine tidal pool. It probably would not include a peace rally in Arizona.

207 REP. DERFLER: I think the word "sponsored" is too broad, because a school may sponsor something that we may not want them to use the vehicle for.

212 REP. HUGO: The way this is written, we are setting as the test,

who is sponsoring and supervising the event. The test should be, is the student taking this vehicle for a beneficial use, for something related to a program of the State System of Higher Education.

225 REP. BRIAN: Doesn't the change suggested by Rep. Van Vliet cover the concerns which have been raised? Is there still concern that a college or university would officially sponsor an event that was not worthy?

238 REP. CLARK: I agree with the direction that Rep. Brian and others are going. If we are going to transport students to an event that is directly sponsored by an accredited college or university, then there is accountability. If you have a rock concert in Arizona directly sponsored by the University of Arizona, then there would be a problem.

257 REP. BRIAN: Mt. Hood Jazz Festival is not sponsored by Mt. Hood Community College, it is simply held at their campus. If a university officially sponsors the activity, and it is under their supervision, this proposed new language would allow someone to travel to that activity. The real question is do the offensive activities really get sponsored by accredited institutions? Or is space used on a campus without the sponsorship and supervision of the campus?

273 REP. HUGO: Let me get back to the base prejudice that I have. Why are we allowing the students to use the state motor pool at all? That is the first question that I have. It seems to me that we can restrict that privilege any way that we want. I would be rather restrictive and limit the use of the state motor pool to those events directly related to an academic pursuit.

283 REP. KATZ: I think he is right.

284 CHAIRPERSON CLARNO: I agree.

285 REP. HUGO: I would change the criteria we are looking at. Instead of having the event directly sponsored by an accredited college, have the event or activity directly related to the academic program or pursuit.

288 REP. VAN VLIET: Basically, if I was teaching a course on music, and I wanted to take my class to the Mt. Hood Jazz Festival, it would qualify.

289 REP. HUGO: That is right.

290 REP. KATZ: The onus is on our university, rather than the sponsoring institutions, which you really cannot control. I think Rep. Hugo is correct.

292 REP. HUGO: Thank you. That is once in ten years. I appreciate that, Rep. Katz.

295 REP. BRIAN: I agree with Rep. Hugo. Are there other buzz words that we could substitute for academic pursuits? Academic and educational, or does academic cover this?

298 REP. VAN VLIET: We consider sports academic. It is part of the academic program as a whole. I do want to get this understanding of the word on the record.

300 CHAIRPERSON CLARNO: Rep. Hugo, do you want to go over your wording once again?

301 REP. HUGO: I don't know. Mr. Bassett, do you have any comments?

302 CHAIRPERSON CLARNO: Mr. Bassett, do you think "academic" is proper terminology, as it applies to this matter?

303 REP. HUGO: Repeats the wording of his previously stated language, (see Tape 76, Side A - 182).

304 REP. KATZ: How about professional or technical?

306 ROGER BASSETT, DIRECTOR OF GOVERNMENT RELATIONS - DEPARTMENT OF HIGHER EDUCATION: It seems to me that the word "academic" is adequate.

313 CHAIRPERSON CLARNO: We are not going to use the word "undergraduate" because we feel more comfortable with the word "student."

315 BASSETT: It seems to me that the notion of an academic connection takes care of a lot of the concerns.

316 CHAIRPERSON CLARNO: Could you read your language?

317 REP. HUGO: Let me read section 3, as proposed. "The State Board of Higher Education shall not authorize or allow the use of any state-owned and licensed motor vehicle to transport students to an event or activity not directly related to an academic program of the State System of Higher Education." I think that is fairly broad.

329 REP. BRIAN: Could you repeat that please?

330 REP. HUGO: Repeats the language.

334 CHAIRPERSON CLARNO: Rep. Van Vliet, could we have your comments on that language?

336 REP. VAN VLIET: I am trying to think if there is anything else we have missed in that definition.

340 MOTION:REP. KATZ moves to amend HB 2892 (A-Engrossed) by rewording section 3, page 2 of the bill according to language proposed by Rep. Hugo (see Tape 76, Side A - 317).

344 VOTE:Hearing no objection, Chairperson Clarno so moves.

346 CHAIRPERSON CLARNO: For clarification, the Chair reads the amendment just passed.

353 REP. BRIAN: One additional matter that I would like to discuss is found in Section 8, page 3, line 8. In this review and consolidation process, we are directing the Department of General Services not to consolidate where they find consolidation to be uneconomical. I am wondering if we should give them the same latitude with practices that are not economical to take over or consolidate. In some cases, departments buy used equipment and may choose to run those vehicles longer than the usual 60,000 to 80,000 miles. These practices might be more economical than other practices that might be forced upon the department in a consolidation mode. I would like some comment by the

motor pool folks on this issue.

385 CHAIRPERSON CLARNO: How would an amendment addressing that issue read?

388 REP. BRIAN: I would say "Other vehicles or practices which the department cannot economically consolidate into the pool." But that is grammatically pretty loose. I would like to have some comment by motor pool on this issue.

397 CAMERON BIRNIE, ADMINISTRATOR OF TRANSPORTATION & DISTRIBUTION - DEPARTMENT OF GENERAL SERVICES: I really do not know how to grapple with that issue. If there are different practices, General Services should consider those. I agree with you on that issue. We should listen to and heed the departments' comments on how to manage their vehicles.

411 REP. BRIAN: Exactly. That is the point that I was trying to make. As far as line 8 goes, I want to make sure there is an economy test for vehicle consolidation, as well as practice consolidation.

422 REP. VAN VLIET: My concern related to the scenario where a larger, uneconomical motor pool would attempt to consolidate a smaller, economical motor pool. I want to make sure that Rep. Brian's comments are recognized.

440 BIRNIE: I understand exactly what you are saying. Section 9, line 15 (Exhibit A), deals with that specifically. General Services must come forth with costs and economies associated with additional consolidations.

449 REP. JONES: Then do we need the term, "or practices," in section 8? If consolidation will not be economical, do we need additional language?

465 REP. BRIAN: You may want to consolidate for a variety of additional reasons. Hopefully, we will apply common sense. In consolidating an agency, I do not want General Services to require an organization to adopt operational practices that are less economical than what they are currently doing. I don't know if that is assumed common sense, or if we have to say it in the statute.

481 CHAIRPERSON CLARNO: We like to think that we operate government with common sense, but sometimes that doesn't happen.

485 REP. VAN VLIET: I think Cameron Birnie is on the record for saying that is the way he anticipates this process to occur. I don't see the invasion coming, unless a fleet is being run very poorly.

491 REP. BRIAN: The record is clear on this matter.

TAPE 77, SIDE A

041 MOTION:REP. JONES moves HB 2892, as amended, to the floor with a "do pass" recommendation.

043 CHAIRPERSON CLARNO: Is there any discussion on this matter? Hearing none, will the clerk please call the roll?

045 VOTE:In a roll call vote, the motion carries with all members

present voting AYE. Rep. Clark was excused. REP. BRIAN will carry the bill.

054 CHAIRPERSON CLARNO: Closes the work session on HB 2892 and opens a work session on HB 2893.

(Tape 77, Side A) HB 2893 - BOARDS AND COMMISSIONS, WORK SESSION
Witnesses: Rep. Kevin Mannix Adrienne Sexton, Committee Administrator -
Rules and Reapportionment Joyce Thorbeck, State Board of Tax Service
Examiners

059 CHAIRPERSON CLARNO: Ms. Browning, will you explain the bill packet for this bill.

063 BROWNING: Explains the numerous items in the bill packet (see EXHIBIT D, EXHIBIT E, EXHIBIT F, EXHIBIT L, EXHIBIT M, EXHIBIT N, and EXHIBIT O.

092 CHAIRPERSON CLARNO: Our Committee Assistant has just given us some additional materials by Sylvia Loftus.

094 BROWNING: Yes. Exhibit F is a memorandum authored by Sylvia Loftus, a legislative researcher.

104 REP. JONES: The bill we have before us directs a legislative interim study on boards and commissions. We are not studying the issue, we are directing this to be done during the interim, correct?

107 CHAIRPERSON CLARNO: No. I would like to attempt to change the process of how we deal with boards and commissions. We are not dealing with an interim study at this time, although we might want to get to that if time permits.

113 REP. JONES: Do you have an amendment that "guts and stuffs" the bill before us?

114 CHAIRPERSON CLARNO: No, we do not.

115 BROWNING: There is one more item for the Committee to consider. Rep. Mannix has a bill (HB 3573) that also addresses boards and commissions. (See Exhibit E.) I believe that he is here to comment on this bill and its relationship to HB 2893. - We do not have any amendments to HB 2893.

126 REP. JONES: Where is HB 3573 now located?

127 CHAIRPERSON CLARNO: This bill is in another committee. Since it so closely corresponds to what we are looking at, I have asked Rep. Mannix to come here and talk to us about it. - Welcome, Rep. Mannix. Could you discuss your bill with us today?

134 REP. KEVIN MANNIX: Explains HB 3573 as the "Just Do It" bill, coined after the Nike slogan (see Exhibit E for further detail). - Submits and summarizes EXHIBIT G and EXHIBIT H.

201 CHAIRPERSON CLARNO: One of this Committee's charges was to coordinate and consolidate. So you are attempting to do something in this bill that this committee appreciates.

203 REP. CLARK: I really like your relating clause (which reads

"relating to state government").

206 REP. MANNIX: So do I. Unfortunately, the bill is in the wrong committee.

209 CHAIRPERSON CLARNO: I think Rep. Clark is very excited about this relating clause and the bill.

211 REP. MANNIX You do not have HB 3573 before you, unfortunately.

212 REP. JONES: This bill is not in our committee, so it really doesn't matter.

213 CHAIRPERSON CLARNO: We did not formally "borrow" this bill. That is true.

214 REP. JONES: Where is this bill?

215 CHAIRPERSON CLARNO: Rep. Mannix, where did your bill end up?

215 REP. MANNIX State and Federal Affairs.

216 CHAIRPERSON CLARNO: When I learned that Rep. Mannix was going to drop this bill, I asked for the bill. Somehow, it did not end up in this committee.

218 REP. MANNIX If you are really dying to deal with this bill, I am sure I could do something to get it over here.

221 REP. BRIAN: The physical aspects, moving and negotiating new leases for boards and commissions, are unknown and could be troublesome.

229 REP. MANNIX: That is why we deliberately allowed for two years. This process has the next biennium to work itself through. We do not tell anyone to take any particular action. Basically, we ask them to move themselves in the direction of consolidation.

260 CHAIRPERSON CLARNO: Are there any other questions or comments for Rep. Mannix?

261 REP. HUGO: It sounds entirely too simple.

262 REP. MANNIX: That is the beauty . . . and the scariness of it all.

264 REP. JONES: You are not anticipating that all of the boards and commissions, on the list that we have before us (Exhibit L), will be affected by this bill, correct?

267 REP. MANNIX: No. In fact, we feel that only fifteen or so will be affected by this bill. Only those dependent on General Fund money will be affected. It is amazing how many of these boards and commissions are fee-generating entities.

278 REP. JONES: If the boards and commissions are self-supporting, they will not be affected. You think fifteen will be affected?

284 REP. MANNIX: Yes.

285 REP. JONES: If that is the case, why are we not requiring the Ways and Means Committee to ask these entities to cut their costs by

co-locating?

291 REP. MANNIX: Ways and Means finds it very hard to tell any board or commission to combine with another. You would have to do it in every single one of the bills. Ways and Means felt it would be better to have the Executive Department coordinate this issue.

310 REP. JONES: This has been done in some of the budgets (i.e. Women's Commission and Hispanic Affairs Commission). You are asking to create a new office to direct this consolidation, and that is not without some cost. Am I correct in assuming that this will be a permanent consolidation position?

321 REP. MANNIX: I hope not. I hope that the Executive Department can add this task to existing employees' duties. I hope to do this without additional FTE's. In two years, I hope to have a group of consolidated boards and commissions and expand on this consolidation.

358 REP. DERFLER: Maybe we should actually combine some of the boards and commissions. Instead of just combining staff and co-locating, could we actually combine them and ask them to do more than one function? Is that a possibility?

269 REP. MANNIX: Conceptually, it is a very good idea. Politically, there are many complications making it very difficult. People come out of the woodwork and fight to prevent consolidation of interest groups.

374 REP. CLARK: Where do you come up with these ideas? - Even if this concept does cost money, is that really a valid argument against this clearinghouse office? Don't you think the savings in the future will far outweigh the costs necessary to bring this about?

420 REP. MANNIX: Definitely. I sit on the Capitol Planning Commission. That is an excellent commission, and it does its job well. We have a part-time staff that could be used more appropriately.

428 REP. CLARK: In this bill, you have tried to force independent boards and commissions to do something that the private sector does all the time. Office sharing occurs all the time, especially in the field of law. - I think this is a very good idea.

442 CHAIRPERSON CLARNO: Maybe as legislators we should do better to facilitate this as we continue to create boards and commissions.

452 REP. MANNIX: I think this office should provide technical expertise during the board and commission formation process. We need to tell dependent boards and commissions, who have independent staff, to look for ways that the agency can provide staff. So next session, when their funds are cut for independent staff, these dependent boards and commissions will not be caught off-guard.

469 REP. KATZ: Is this bill for independent or dependent commissions?

470 REP. MANNIX: This bill is for dependent boards or commissions (the first part of the bill).

TAPE 76, SIDE B

033 REP. HUGO: How was this list generated (Exhibit G)?

034 REP. MANNIX: It comes from the Office of the Governor.

035 REP. HUGO: Many of these are misleading (i.e. Teachers' Standards and Practices Commission is not your typical commission. It is a licensing board for all elementary and secondary teachers. That is obviously fee supported, and it has a large staff and licensing function). - The idea is great, but there are not as many as you may think, in reality. I will support your plan, but I don't want to raise great expectations.

052 REP. KATZ: Some of us are trying to do just the opposite, with the Board of Education, for example. What we would like is for the Board of Education to have their own independent staff.

057 REP. MANNIX: When that situation arises, the Legislature can make that judgment and make exceptions to the rule. This is a generic policy statement. - I am specifically looking at the smaller boards and commissions which have one administrative support officer. - Our Legislative committees are a fine example of pooling staff and space, especially during the interim when we shift gears.

072 REP. BRIAN: Section 6 (Exhibit E) discusses boards that are financially self-supporting, and how they are exempted from this process. Does self-supporting mean 100% or only a portion?

076 REP. MANNIX: That is a good question. To me, "financially self-supporting" means that you bring in more fees than you need to exist.

082 REP. BRIAN: By that definition, basically anyone who receives any amount of General Fund money would fall under this act.

085 REP. MANNIX: Yes.

086 REP. BRIAN: The language in Section 2 and Section 4 says, "each board shall locate." No weasel clauses whatsoever. It also stipulates that we do so by July 1, 199 3. Is there some sort of exception process? I am thinking about the Columbia River Gorge Commission, for example. I don't know if they have General Fund money and will need to move to Salem. I would think a location in the Gorge would probably be best. Should there be some criteria or exemptions process?

101 REP. MANNIX: I am also concerned with the micro-management that we might have to get into. We could add an escape clause which allows for exemptions.

114 REP. DERFLER: Have you tried to sit down and put any of these boards together? There are so many of them, one would think that we could put some of them together NOW.

117 REP. MANNIX: I left that to Ways and Means, to the extent of playing with these boards' budgets. Whenever I have looked at this issue, I have created political problems. If we tell them to do it and they have to do it after session ends, we will not suffer the fallout.

130 REP. DERFLER: You mentioned that you tried to put a couple of these commissions together and you got into trouble?

131 REP. MANNIX: That is true. But I was trying to combine two boards, not just the staff of the boards.

139 CHAIRPERSON CLARNO: I am sure that we could find some, in the list of 293 , that could be compatible. As we know, people are resistant to change. - Rep. Mannix, we appreciate your sharing of the intent behind your legislation. It will help our deliberations.

149 REP. MANNIX: If the majority members of this committee like this bill, the Speaker could certainly re-refer HB 3573 to this committee and let you folks work on it. We still have a little time, and it is a priority bill.

154 CHAIRPERSON CLARNO: I appreciate that comment and I will look into the matter. - We have additional testimony from Adrienne Sexton and Joyce Thorbeck. Would you ladies please approach the witness table?

164 BROWNING: Ms. Thorbeck and Ms. Sexton have submitted written testimony which can be found in your bill packets (EXHIBIT J, EXHIBIT K and EXHIBIT I).

168 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR - LEGISLATIVE RULES AND REAPPORTIONMENT: Submits and summarizes written testimony (Exhibit I).

294 CHAIRPERSON CLARNO: Thank you, Ms. Sexton. We appreciate your bringing this information to us. I am overwhelmed by the magnitude of this issue. The fact that we are spending \$273 million on boards and commissions is shocking.

304 JOYCE THORBECK, ADMINISTRATOR OF THE STATE BOARD OF TAX SERVICE EXAMINERS: Submits and summarizes written testimony (Exhibit J and Exhibit K).

335 CHAIRPERSON CLARNO: Your comments are appreciated. Are there any members who have questions?

336 REP. BRIAN: What is your opinion as far as consolidation of the staff of small boards and commissions, turf issues included?

345 THORBECK: This has been an issue which has come up, time and again. I am sure there would be opposition to that idea. Rep. Mannix is correct when he discusses the opposition to consolidation. But we should be looking for more ways to share information, particularly the small boards and commissions. We do have to be very careful when we look at consolidation (refers to a 1987 proposal for a super board and shared staff). - Discusses recent developments in the State of Michigan, and the importance of customer service.

421 CHAIRPERSON CLARNO: Thank you for your testimony, Ms. Thorbeck. - Closes the work session on HB 2893 and opens a work session on HB 2896.

(Tape 76, Side B) HB 2896 - MEMBERSHIP AND SUBSCRIPTIONS, WORK SESSION
Witnesses: Marjorie Lowe, Executive Department

430 BROWNING: Discusses the bill packet on HB 2896. Discusses the work completed by the work group (Rep. Hugo, Rep. Derfler, Marjorie Lowe and Susan Browning). - Discusses the dash three amendment (EXHIBIT Q). Submits and summarizes EXHIBIT P and EXHIBIT R.

TAPE 77, SIDE B

034 REP. CLARK: In the last several lines of the dash three amendment,

the Department of Justice is not included because it is not a constitutional office and is under the Executive Department. Is that correct?

041 CHAIRPERSON CLARNO: Ms. Lowe, could you approach the witness table and respond to Rep. Clark's question?

043 MARJORIE LOWE, BUDGET SUPERVISOR WITH THE EXECUTIVE DEPARTMENT, BUDGET AND MANAGEMENT DIVISION: The answer to your question is yes. That is correct.

045 REP. CLARK: Does Subsection 4(a.) mean that Executive Department will formulate separate rules for each agency?

048 LOWE: No. We currently have rules that govern this practice for all agencies that we have budgetary control over. It is our expectation that we will need to revise those rules to take into consideration any changes in circumstances due to this past session.

056 REP. CLARK: Under this provision, do you contemplate that the rules will be sensitive to the differences found in agencies? In the Department of Justice, for example, there is a need to pay Oregon State Bar dues for all of the Department's attorneys. Does Subsection 4(a.) take this into consideration?

067 LOWE: This is, in essence, our present rule. We do agency by agency reviews and there are considerable differences between the agencies.

070 REP. CLARK: That is all that I am asking. Thank you.

072 REP. HUGO: With regard to line 8 of page 1 (Exhibit Q), certainly the benefit, in Rep. Clark's example, the benefit does accrue to the state agency. But would that be the same for an attorney in the Department of Transportation? Probably not. I think we have to give some latitude in this area, because of the differences between the various agencies. - If this passes, the Speaker and the President will have this rule-making power.

081 BROWNING: I researched that issue. According to Kathleen Beaufait, the Legislative Administration Committee (LAC) currently has very restrictive rule-making authority. The problem with having LAC do this (make rules with regard to memberships and subscriptions) is that they do not have jurisdiction over Legislative Fiscal, Legislative Revenue, or Legislative Counsel. She suggested that the Speaker and the President might be more appropriate for this rule-making authority. Currently they do not have rule-making authority. If this bill passes, they will have rule-making authority.

093 REP. JONES: One of the things the Legislative Assembly gets to do is make its own rules. I do not see the Speaker and the President deciding this in the interim, without our involvement.

110 REP. HUGO: I would like to delete Section 1, Subsection 4(e.)

111 CHAIRPERSON CLARNO: Would the other members of the Committee like to comment on the deletion of Section 1, Subsection 4(e.)?

114 MOTION:REP. HUGO moves to amend HB 2893 dash three amendments by deleting lines 4 and 5 of page 2, and with that, moves to adopt the dash

three amendment date 5-10-91 (Exhibit Q), as amended.

119 CHAIRPERSON CLARNO: Any questions or comments?

120 VOTE:Hearing no objection, Chair Clarno so moves.

121 MOTION:REP. HUGO moves HB 2896, as amended, to the floor with a "do pass" recommendation.

124 REP. BRIAN: I have just received my copy of the dash three amendment, and I am trying to review it before we have this vote. What are the ramifications of the dash three amendment?

129 REP. HUGO: One of the limitations on memberships would be the availability of agency funds. - Explains the dash three amendment (Exhibit Q).

136 REP. BRIAN: Does this affect individual memberships?

137 REP. HUGO: Absolutely.

138 REP. BRIAN: Where is that, please? I am wondering what would happen if a state agency deems that all their existing memberships are necessary, in their rules.

139 REP. HUGO: They would have that authority, but individuals could challenge that rule-making authority.

144 REP. BRIAN: I have seen this type of behavior before, and I assume that is what they will do in this case.

146 REP. DERFLER: Rep. Brian, I think we came to the conclusion that the Legislative Assembly cannot micro-manage every agency. Somehow, we have to find a way to trust that agency leadership will do the correct thing.

149 REP. BRIAN: The why do we need this bill?

150 REP. HUGO: Because without it, there is nothing to measure their decision against.

153 REP. BRIAN: How does this bill restrict the number of memberships?

155 REP. HUGO: Reference to subsection 2. The agency will have to substantiate why they have such memberships. Currently, they do not have to do so.

160 REP. BRIAN: But Ways and Means is not looking at that specific line-item anyway, so how does this get reviewed?

163 CHAIRPERSON CLARNO: I understand your concern on this matter, and I think Ms. Lowe can explain how this will aid the policy with regard to memberships. - This is not as strong as we would like, but it is better than what they have right now.

170 REP. JONES: Before she answers Rep. Brian, please look at lines 19 - 21, page 1 (Exhibit Q). - They are going to adopt the rules for each agency, each agency under their jurisdiction. They will have to take into consideration this criteria.

177 LOWE: To respond to your question, this is an area which tends to rise and fall with overall resources of the state. As the state resources are restrained, these expenditures are restrained. When an agency develops its budget, these are the items which get crossed off the budget.

187 REP. BRIAN: That tells me that it is not a very high priority. Basically, if we have the money, we will spend it on this item. If not, we won't. Maybe we should pick the low point on that aggregate expenditure curve and keep it at that level, even during the good times.

194 REP. HUGO: Mentions the dropping of the State's membership to Education Commission of the States. Montana and Oregon will be the only non-members in the nation. We have done that, not because membership is not a high priority, but because we simply cannot afford it.

199 REP. BRIAN: Was that decision made due to this legislation?

200 REP. HUGO: No. That was a decision made down in Ways and Means. You make the point that memberships like this are dropped because they are not a high priority. There are a lot of high priority memberships that will go by the wayside. This bill establishes a uniform system of rules applicable to all agencies. This will cause the Legislative Assembly to question why an agency has a certain membership. Right now, we have nothing on which to base a question, besides subjective management whim.

208 REP. BRIAN: Was thought given to eliminating individual memberships versus agency memberships?

217 LOWE: If you restrict individual memberships, you would preclude the Department of Justice from paying bar dues for their individual attorneys. Some individual memberships are vital and cannot be handled at an organizational level.

224 REP. HUGO: If you look at lines 8 and 9, of page 1 (Exhibit Q), it must benefit the agency and not necessarily only the individual.

226 REP. BRIAN: Thank you.

235 MOTION: REP. CLARK moves the previous question.

239 VOTE: In a roll call vote, the motion carries with all members present voting AYE. Rep. Katz and Rep. Brian were excused. Rep. Hugo will carry the bill.

249 CHAIRPERSON CLARNO: Closes the work session on HB 2896 and adjourns the committee meeting.

EXHIBIT LOG

Exhibit A - House Agency Reorganization and Reform - 3 pages Exhibit B - Rep. Tom Brian - 1 page Exhibit C - Lynn Pinckney - 1 page Exhibit D - House Agency Reorganization and Reform - 2 pages Exhibit E - Rep. Kevin Mannix - 2 pages Exhibit F - Sylvia Loftus - 3 pages Exhibit G - Rep. Kevin Mannix - 6 pages Exhibit H - Rep. Kevin Mannix - 1 page Exhibit I - Adrienne Sexton - 6 pages Exhibit J - Joyce Thorbeck - 1 page Exhibit K - Joyce Thorbeck - 2 pages Exhibit L - Susan Browning - 4 pages Exhibit M - Susan Browning - 7 pages Exhibit N - Susan Browning - 2 pages Exhibit O - Art Keil - 3 pages Exhibit P - House Agency

Reorganization and Reform - 1 page Exhibit Q - House Agency
Reorganization and Reform - 2 pages Exhibit R - Lynn Pinckney - 1 page

Submitted by:

Reviewed by:

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