

Crosby and Chambers.

SENATOR WARNER: Mr. President, members of the Legislature, I'd rise to oppose the amendment. There's a couple things that I should make my comment on. One of the reasons this is the first bill up is it was a committee priority bill, in fact, it was the first filed committee priority bill last session. It wasn't taken up last session at the request at the concurrence of the introducers. But it's there because it was first in time and first in line and nothing else. Secondly, there was comment made, and I probably didn't make this clear in my opening comment, that this had something to do with the Department of Labor. As introduced that was correct, but the committee amendment totally eliminates any connection with the Department of Labor. And it's a bit of a unique system. It's a policy issue from my viewpoint that, and I also made reference to, to start with, and that is whether it should be a code agency, as they normally are, or an independent agency. As I indicated, there has been a tendency for a number of years, and I've made reference to at least three agencies that were at one time, when they were established, independent agencies, and then changed to a type of code agency, and that was the Commission on Natural Resources, the Department of Environmental Control, and the Health Department was under different Governor's, political affiliations were different, so it's a broad policy issue as far as I'm concerned. It's also accurate to say that if you look at the initial review, Performance Evaluation Committee review, one of the options that was included in that review was whether or not the commission should be made a code agency, or at least similar to a code agency, or remain its current format. And it's accurate to say that the committee did not choose to make that major change at that time, but it was discussed extensively. And you should understand that most of these discussions occurred well ahead of some of the more recent problems that the agency has been involved with. So it's not necessarily a reflection of anything that happened then. This is a particularly unique setup, though, in what is proposed here. I think it has some merit. It still retains a degree of isolation from the political process in that while it's true that the director is appointed by the Governor, they are appointed for a fixed term, they do not serve, as most code agency's directors are, they serve purely at the will of the Governor and can be removed. In this case, they are appointed for a fixed six-year term, and can only be removed for cause,