

HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 6, 1999 Hearing Room D

1:15 p.m. Tapes 82 - 83

MEMBERS PRESENT: Rep. Carl Wilson, Chair

Rep. Jason Atkinson, Vice-Chair

Rep. Chris Beck, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Steve Harper

Rep. Bruce Starr

Rep. Ron Sunseri

MEMBERS EXCUSED: Rep. Terry Thompson

STAFF PRESENT: Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

MEASURES HEARD: SB 347 Public Hearing and Work Session

SB 1031 Public Hearing and Work Session

SB 1201A Public Hearing

SB 1062 Public Hearing and Work Session

SB 512A Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 82, A		

004	Chair Wilson	Opens meeting at 1:34 p.m., and opens public hearing on SB 347.
<u>SB 347 PUBLIC HEARING</u>		
010	Alan Scharn	Deputy Director, Department of Public Safety Standards and Training (DPSST). Testifies in support of SB 347. Submits and reads written testimony (EXHIBIT A).
035	Rep. Atkinson	Asks if fire protection equipment standards will be covered by the State Fire Marshal.
037	Scharn	Replies yes.
040	Chair Wilson	Asks about the volunteer fire fighter and the need for this legislation.
043	Scharn	Replies that 80% of firefighters are volunteers. Explains that DPSST has certified both volunteer and professional firefighters.
052	Chair Wilson	Asks the purpose of certification.
054	Scharn	Replies that the purpose is to maintain statewide standards.
057	Chair Wilson	Asks if there is a mix of certified and non-certified firefighters.
060	Scharn	Replies that is correct. Adds that many fire departments are staffed strictly by volunteers.
090	Chair Wilson	Closes public hearing on SB 347, and opens work session on SB 347.
<u>SB 347 WORK SESSION</u>		
095	Rep. Bowman	MOTION: Moves SB 347 to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson EXCUSED: 1 ñ Thompson

	Chair Wilson	<p>The motion Carries.</p> <p>REP. BECK will lead discussion on the floor.</p>
098	Chair Wilson	Closes work session on SB 347, and opens public hearing on SB 1031.
<u>SB 1031 PUBLIC HEARING</u>		
100	Cara Filsinger	Administrator. Explains provisions of SB 1031. Indicates that this bill gives metropolitan service districts the authority to make minor boundary changes.
111	Ray Phelps	Metro. Testifies in support of SB 1031. Submits and summarizes written testimony (EXHIBIT B) .
114	Kelly Ross	Home Builders Association of Portland. Discusses SB 1031-1 amendment (EXHIBIT N) .
126	Rep. Beck	Asks what boundary changes are being requested.
128	Ross	Describes an Urban Growth Boundary (UGB) expansion, approved outside of Metro's jurisdiction.
141	Rep. Beck	Asks about the UGB expansion.
146	Ross	Explains that decision gave rise to the conclusion it is necessary that the Metro Council expand its district boundary.
149	Rep. Beck	Asks if any of the UGB or district boundary expansions are in areas under appeal.
152	Ross	Replies yes.
153	Rep. Beck	Asks if it is appropriate for Metro to expand the district boundary while under court appeal.
160	Phelps	Replies that the only areas that can be annexed are those that have approval of the majority of the owners and electors of the land.
166	Chair Wilson	Closes public hearing on SB 1031, and opens work session on SB 1031.

SB 1031 WORK SESSION

170	Rep. Bowman	MOTION: Moves to ADOPT SB 1031-1 amendments dated 05/06/99.
171	Rep. Beck	States objection.
		VOTE: 7-1 AYE: 7 - Atkinson, Bowman, Deckert, Harper, Starr, Sunseri, Wilson NAY: 1 - Beck EXCUSED: 1 - Thompson
	Chair Wilson	The motion Carries.
183	Rep. Bowman	MOTION: Moves SB 1031 to the floor with a DO PASS AS AMENDED recommendation.
184	Rep. Deckert	Comments that SB 1031 will assist his district.
		VOTE: 8-0 AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson EXCUSED: 1 - Thompson
	Chair Wilson	The motion Carries. REP. DECKERT will lead discussion on the floor.
185	Chair Wilson	Closes work session on SB 1031, and opens public hearing on SB 1201A.

SB 1201A PUBLIC HEARING

190	Filsinger	Summarizes provisions of SB 1201-A . Explains effects of SB 1201A-2 amendments (EXHIBIT C) .
195	C. Lance Colley	Finance Director, City of Roseburg. Testifies in support of SB 1201A. Submits document from the Oregon Municipal Finance Officers (EXHIBIT D) .
210	Chair Wilson	Asks for clarification of local budget law.
220	Colley	Replies that local budget law is used by every municipal entity in Oregon. Refers to (EXHIBIT D) , which matches the local budget law with Ballot Measure 50 requirements.
249	Linda Burglehaus	Director, Tax Supervising & Conservation Commission (TSCC). Testifies in support of SB 1201A. Provides history of TSCC. Addresses (EXHIBIT D) . Indicates that the \$50,000 increase in the commission's budget is to be funded by Multnomah County.
290	David A. Boyer	Finance Director, Multnomah County. Testifies in support of SB 1201A. Submits and summarizes written testimony (EXHIBIT E) . Discusses local budget law statutes.
330	Rep. Atkinson	Asks how much money is available for inter-fund loans.
347	Boyer	Replies the amount varies by district. Indicates that Multnomah County has approximately \$17 million.
359	Rep. Atkinson	Asks if the insurance rate is jeopardized by loaning against yourself.
370	Boyer	Replies no. Explains that it is a cash-flow issue.
410	Chair Wilson	Closes public hearing on SB 1201A, and opens public hearing on SB 1062.
<u>SB 1062 PUBLIC HEARING</u>		
446	Filsinger	Summarizes provisions of SB 1062.
482	Phelps	Metro. Speaks in support of SB 1062. Submits and summarizes written testimony (EXHIBIT F) .
TAPE 83, A		
004	Phelps	Indicates that approval of this bill grants Metro the authorization to acquire conservation and highway scenic preservation easements.

019	Chair Wilson	Closes the public hearing on SB 1062, and opens work session on SB 1062.
<u>SB 1062 WORK SESSION</u>		
023	Rep. Atkinson	MOTION: Moves SB 1062 to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: 8 ñ Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson EXCUSED: 1 - Thompson
	Chair Wilson	The motion CARRIES. REP. ATKINSON will lead discussion on the floor.
030	Chair Wilson	Closes work session on SB 1062, and opens public hearing on SB 512A.
<u>SB 512A PUBLIC HEARING</u>		
065	Rep. Dan Gardner	House District 13. Explains provisions of SB 512A.
088	Rep. Gary Hansen	House District 17. Testifies in support of SB 512A.
123	Rep. Bowman	Asks if SB 512A is a result of the efforts of the interim task force.
128	Rep. Hansen	Replies yes.
133	Rep. Harper	Asks why is this just a Metropolitan Portland problem.
134	Rep. Gardner	Indicates that 50% of the construction statewide takes place in the tri-county area. Discusses the uniform application form for electrical or building permits.
150	Rep. Harper	Asks why SB 512A addresses only Metropolitan Portland, when 50% of the problem is outside the tri-county area.

159	Rep. Hansen	Suggests that SB 512A be a pilot project.
163	Phelps	Speaks in support of SB 512A. Submits and summarizes written testimony (EXHIBIT G) . Explains that SB 587, authored by Sen. Beyer, takes some of the materials in SB 512A and calls for those to be applied statewide.
169	Rep. Sunseri	Asks why create a new layer of government rather than use intergovernmental agency agreements.
175	Phelps	Explains that the board members are not paid compensation. Addresses the staff requirement. Emphasizes the necessity of retaining the 26-year policy of the uniform building code process.
199	Rep. Starr	Indicates a concern about the lack of a unified voice in a recent interim task force. Asks how close to an agreement is the task force.
210	Phelps	Replies that the task force approved SB 512A. Supports one building code process. Provides examples of lack of uniformity.
250	Phelps	Describes efforts of the task force to achieve consensus. Addresses the fiscal impact of this bill.
275	Rep. Starr	Asks if the task force would agree to support an amendment to include Yamhill and Columbia Counties.
281	Phelps	Indicates he does not know how to respond to this question.
283	Rep. Hansen	Explains that Yamhill and Columbia Counties were not involved in the discussion. Addresses agreements and solutions suggested by participants of the task force.
303	Phelps	Refers to HB 2971 and SB 512A. Indicates that there are minor differences between the two bills.
311	Chair Wilson	Asks about the fiscal impact. Inquires what benefits tax payers will receiving for that expenditure.
331	Rep. Gardner	Replies that the benefits are a more efficient system, uniform code enforcement, and a better delivery of services in the minor labor area.
372	Phelps	Indicates that private sector organizations historically oppose additional costs and additional bureaucracy. Discusses the bidding process. Describes fixed and variable costs.

410	Phelps	Remarks that some added costs will be absorbed in the cost of operation by the construction contractor. Comments that some of the added costs will be passed onto the customer, who can expect improved service.
TAPE 82, B		
008	Rep. Bowman	Asks about individual cities not being involved.
014	Phelps	Replies that this is an additional cost.
038	Clint Hilman	Oregon Building Officials Association. Testifies in opposition to SB 512A. Submits and summarizes written testimony (EXHIBIT H). Supports the need for consistent permit and application procedures. Believes that the creation of a new state board is not cost effective or efficient. Discusses task force participation.
070	Ray Kerridge	City of Portland. Testifies in opposition to SB 512A.
095	Alan Langendorf	President, Oregon Building Officials Association. Testifies in opposition to SB 512A. Opposes the creation of a new state board. States that the code interpretation is not uniform. Believes that SB 512A creates another layer of government, more regulations, more state agency staff, and excessive costs. Adds that everything contained in this bill is currently in statute or rule.
140	Rep. Harper	Asks why is there lack of uniformity in building code interpretation.
144	Langendorf	Replies that there are different methods of approach to inspect buildings for compliance. Discusses the lack of uniformity in the Building Codes Division, particularly regarding applications.
157	Rep. Harper	Comments that a simple form might work. Asks how to create uniformity within the building code.
165	Hilman	Answers that education will assist in creating uniformity. Speaks about his experience in the City of Gresham. Explains that the task force provided a forum to begin discussion. Discusses the common permit application.
184	Rep. Deckert	Asks if the common permit procedure is currently in place.
187	Hilman	Replies that it is not. Indicates the task force put together a common form that has not yet been adopted.
194	Rep. Deckert	Comments about the lack of continuity from jurisdiction to jurisdiction.
201	Langendorf	Addresses communication methods in place in various jurisdictions, such as e-

		mail and fax.
218	Rep. Bowman	Refers to the purchase of permit forms in blocks for more than one area. Asks why is that a problem.
234	Kerridge	Asks if the representative is speaking of the minor labor program.
239	Rep. Bowman	Responds affirmatively.
242	Kerridge	States that there is no problem operating in the Metro area.
254	Rep. Bowman	Asks for clarification of Kerridge's opposition to this bill.
262	Kerridge	Objects to the makeup of the board; also to the rule-making provisions.
266	Rep. Bowman	Asks which part of the bill discusses "sweeping" authority.
268	Kerridge	Replies that a reading of the entire bill shows it gives the board this power without restriction.
306	Kerridge	Discusses audits relative to the permit process.
317	Rep. Bowman	Addresses performance reviews and financial audits of the local building codes programs.
332	Langendorf	Explains that the audit requirement exists presently.
348	Shawn Miller	Associated Builders and Contractors and Independent Electrical Contractors of Oregon. Testifies in support of SB 512A. Addresses intergovernmental agreements. Supports code uniformity.
383	John Gervais	National Electrical Contractors Association and Sheet Metal Contractors Association. Testifies in support of SB 512A. Submits and summarizes written testimony (EXHIBIT I). Indicates that SB 512A does not eliminate any local inspection programs or jobs. Adds that this bill does not reduce funds for local inspection programs. Addresses uniform application forms.
TAPE 83, B		
439	Gervais	Indicates that the audit requirement for various building inspection activities was passed in 1995.

002	Jim Bachenstos	Oregon Electric. Testifies in support of SB 512A. Indicates that labels must be purchased in blocks. Adds that if some labels are unused, the cost is passed onto the consumer. Discusses inconsistencies in the building codes.
043	Gervais	Explains that Bachenstos services various locations that require forms for each area.
053	Jane Cummins	League of Oregon Cities (LOC). Testifies in opposition to SB 512A. Submits and summarizes written testimony (EXHIBIT J) . Indicates objection to the establishment of another state board with broad rule-making and fee-setting authority. Explains that this process has an initial cost of more than \$500,000. Provides members with resolutions from 23 cities in the tri-county area, opposing the creation of a new board.
115	Tim Erwert	City Manager, Hillsboro. Testifies in opposition to SB 512A. States concerns about increased costs.
149	Cummins	States that SB 512A creates another layer of government and decreases local control. Adds that this bill increases permit costs. States that SB 512A creates a second code interpretation board.
179	Cummins	Says the training dollars should remain available for statewide training. Explains the need for local programs to work together to make improvements.
201	Chair Wilson	Enters into the record the following written testimony: <ul style="list-style-type: none"> • From Bill Kennemer, Chair, Clackamas County Board of Commissioners, in opposition to SB 512A (EXHIBIT K) • From Lori Long on behalf of Associated General Contractors, Oregon-Columbia Chapter, in support of SB 512A (EXHIBIT L) • From Tom Brian, Chair, Washington County Board of Commissioners, in support of SB 512A (EXHIBIT M)
228	Chair Wilson	Closes public hearing on SB 512A. Adjourns the meeting at 3:15 p.m.

Transcribed By, Reviewed By,

Susan M. Pettey, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 347, written testimony, Alan Scharn, 2 pp.

B ñ SB 1031, written testimony, Ray Phelps, 1 p.

C ñ SB 1201A, -2 amendments, Staff, 1 p.

**D ñ SB 1201A, document entitled Oregon Municipal Finance Officers Association,
Clarence Colley, 5 pp.**

E ñ SB 1201A, written testimony, David Boyer, 1 p.

F ñ SB 1062, written testimony, Ray Phelps, 2 pp.

Gñ SB 512A, written testimony, Ray Phelps, 24 pp.

H ñ SB 512A, written testimony, Clint Hilman, 14 pp.

I ñ SB 512A, written testimony, John Gervais, 2 pp.

J ñ SB 512A, written testimony, Jane Cummins, 51 pp.

K ñ SB 512A, written testimony, Bill Kennemer, 4 pp.

L ñ SB 512A, written testimony, Lori A. Long, 1 p.

M ñ SB 512A, written testimony, Tom Brian, 1 p.

N - SB 1031, -1 amendments, Staff, 1 p.