

HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 14, 1997 Hearing Room D

1:00 P.M. Tapes 105 - 106

MEMBERS PRESENT:

Rep. Ken Strobeck, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Jim Hill

Rep. Bob Montgomery

Rep. Kurt Schrader

Rep. Liz VanLeeuwen

Rep. Tom Whelan

STAFF PRESENT:

Jeri Chenelle, Administrator

Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD:

HB 2443 Work Session

HB 3386 - Work Session

HB 3615 - Work Session

SB 426 - Public Hearing and Work Session

SB 444 A - Public Hearing and Work Session

SB 349 A - Public Hearing and Work Session

SB 419 A - Public Hearing and Work Session

SB 39 A - 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 105, A		
002	Chair Strobeck	Calls meeting to order at 1:16 p.m. and opens the public hearing on SB 39 A.
<u>SB 39 A - PUBLIC HEARING</u>		
007	Sen. Neil Bryant	Explains he has added amendments in the Senate because the relating clause is right. Explains the amendments eliminate an oversight in legislation passed in 1995:
		* affects public entities
		* 1995 legislation amended ORS 279.352 requiring specifications for public works contracts
		* 1995 legislation neglected to amend the liability statute, ORS 279.356
		* the dilemma for the Bend-LaPine School District was that even though their contract included prevailing wage, they did not specifically follow the statute in listing the specifics of the prevailing wage and, therefore, could be held liable for the prevailing wage
024		* remainder of bill is from the Bureau of Labor and Industries (BOLI)
027	Paul Tiffany	Intergovernmental Relations Manger, Bureau of Labor and Industries (BOLI), testifies in support of SB 39:
		* Bureau presession filed SB 39 to correct an oversight in 1995 legislation
		* Senate amendments change the bill but do address the issue
		* the oversight is corrected in the A-engrossed version by the deletion of the reference to ORS 279.352 in line 12 of the bill
040		* with respect to other policy issues in SB 39-A, will defer to Senator Bryant and others
043	Brian Doherty	Miller, Nash, representing Beaverton School District, agrees with Sen. Bryant and testifies that Beaverton School District has the same situation as Bend-LaPine; they are in litigation with BOLI and all parties have agreed to hold those in abeyance until the oversight is corrected.
		* school districts did advise the contractors there was a prevailing wage law applying; they just didn't put the exact rate
		* the contractor remains liable for the prevailing wages
054	Rep. Schrader	Asks for more detail about the controversy and what it means legally.
	Doherty	Explains the Beaverton School District provided in the RFP and the contract that the prevailing wage law applies, and that another law requires that the prevailing wage dollar amount be stated, but the dollar amount was not in the contract. Adds that they are saying if one is put in but not both, the public agency is exclusively liable for the difference in

		the wages if not paid by the contractor.
072	Chair Strobeck	Closes the public hearing and opens the work session on SB 39 A.
<u>SB 39 A - WORK SESSION</u>		
076	Rep. Gardner	MOTION: Moves SB 39A to the floor with a DO PASS recommendation.
078		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Hill, Montgomery, VanLeeuwen
	Chair Strobeck	The motion CARRIES. REP. GARDNER will lead discussion on the floor.
083	Chair Strobeck	Closes the work session on SB 39-A and opens the work session on HB 2443.
<u>HB 2443 - WORK SESSION</u>		
088	Rep. Gardner	MOTION: Moves to SUSPEND the rules for the purpose of reconsideration of the vote by which HB 2443 was PASSED.
		VOTE: 5-0 EXCUSED: 2 - Montgomery, VanLeeuwen
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
091	Rep. Gardner	MOTION: Moves to RECONSIDER the vote by which HB 2443 was passed.
092		VOTE: 5-0 EXCUSED: 2 - Montgomery, VanLeeuwen
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
094	Rep. Gardner	MOTION: Moves HB 2443 to the floor with a DO PASS AS AMENDED recommendation and that the SUBSEQUENT REFERRAL TO WAYS AND MEANS BE RESCINDED.
099		VOTE: 5-0 EXCUSED: 2 - Montgomery, VanLeeuwen
		Hearing no objection, declares the motion CARRIED.

	Chair Strobeck	REP. HILL will lead discussion on the floor.
104	Chair Strobeck	Closes the work session on HB 2443 and opens the work session on HB 3386.
<u>HB 3386 - WORK SESSION</u>		
110	Jeri Chenelle	Administrator, reviews provisions of HB 3386, and advises that the committee has the -3 amendments (SEE EXHIBIT G OF COMMITTEE MINUTES DATED MAY 5, 1997), the -4 amendments (SEE EXHIBIT H OF COMMITTEE MINUTES DATED MAY 5, 1997), and the -5 amendments (SEE EXHIBIT I OF COMMITTEE MINUTES DATED MAY 5, 1997).
124	Chair Strobeck	Comments that the -5 amendments replace the -2 amendments (SEE EXHIBIT F OF COMMITTEE MINUTES DATED MAY 5, 1997) and incorporate some concerns of the wine growers.
127	Rep. Strobeck	MOTION: Moves to RESCIND THE ADOPTION OF THE -2 AMENDMENTS.
128		VOTE: 6-0 EXCUSED: 1 - Montgomery
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
133	Rep. Strobeck	MOTION: Moves to ADOPT HB 3386-3 amendments dated 04/30/97.
135		VOTE: 5-1 OBJECTING: 1 - Hill EXCUSED: 1 - Montgomery
135	Chair Strobeck	Noting OBJECTION BY REP. HILL, declares the motion CARRIED.
137	Rep. Strobeck	MOTION: Moves to ADOPT HB 3386-4 amendments dated 04/30/97.
		VOTE: 2-4 AYE: 2 - Schrader, Strobeck NAY: 4 - Gardner, Hill, VanLeeuwen, Whelan EXCUSED: 1 - Montgomery
	Chair Strobeck	The motion FAILS.
	Chair	MOTION: Moves to ADOPT HB 3386-5 amendments dated

145	Strobeck	05/05/97.
		VOTE: 3-3 AYE: 3 - Schrader, Whelan, Strobeck NAY: 3 - Gardner, Hill, VanLeeuwen EXCUSED: 1 - Montgomery
	Chair Strobeck	The motion FAILS.
175		MOTION: By implied consent the rules are SUSPENDED to allow REP. HILL to CHANGE vote from NAY to AYE on the ADOPTION of the HB 3386-5 amendments dated 05/05/97.
173	Rep. Hill	Votes AYE.
	Chair Strobeck	The motion CARRIES.
175	Steve McCoid	Oregon Grocery Industry Association, explains provisions of HB 3386 as amended by the -3 and -5 amendments:
		* the bill allows distributors, if they elect, to extend credit on the sale of beer and wine to package store retailers only
		* package store retailers are basically grocery stores
		* -5 amendments address concern raised by the Oregon Wine Growers Association that they not be required to extend credit any further than currently
		* distributors would have to draw up reasonable criteria including credit worthiness and apply them fairly if they elect to give credit
		* if there is a complaint regarding credit from a distributor or package store retailer, they would have to go to circuit court to get an injunction to stop a practice; it would then be turned over to the Oregon Liquor Control Commission for them to apply the proper penalty to the offending party
218		* 15 days is maximum credit can be extended
220	Rep. Whelan	Asks if there is an estimate of OLCC enforcement costs.
	McCoid	Responds that the amendments were in response to OLCC's concern that this would be a burden and that they would be the "credit police."
226	Paul Romain	Oregon Beer and Wine Distributors Association, comments this legislation will be a burden on OLCC. Also, the OLCC will be heavily involved with complaints from competitive distributors who will complain that the stores are being granted shelf space by not enforcing the 15-day limit.
265	Paul Williamson	Oregon Liquor Control Commission (OLCC), testifies that their fiscal impact statement says as long as there are no more than 10 licensees who need monitoring, there will be no impact on OLCC; if there are more, it

		is not possible to predict the impact. Adds that if credit is extended, it will make it more challenging to OLCC.
		Issues discussed:
279		* cost of impact if there are 50 accounts that need monitoring
273		* whether this will make OLCC a bill collector
		* what happens if someone does not pay their bill
288		* extent of credit problems for grocery items
357	Rep. Strobeck	MOTION: Moves HB 3386 to the floor with a DO PASS AS AMENDED recommendation.
359		VOTE: 3-3 AYE: 3 - Schrader, VanLeeuwen, Strobeck NAY: 3 - Gardner, Hill, Whelan EXCUSED: 1 - Montgomery
	Chair	The motion FAILS.
365		MOTION: By implied consent the rules are SUSPENDED to allow REP. HILL to CHANGE vote from NAY to AYE on the PASSAGE OF HB 3386 AS AMENDED
365	Rep. Hill	Votes AYE.
366	Chair Strobeck	The motion CARRIES.
		CHAIR STROBECK will lead discussion on the floor.
368	Rep. Hill	Comments he will be voting no on this bill on the floor.
3760	Chair Strobeck	Closes the work session on HB 3386 and opens the work session on HB 3615.
		<u>HB 3615 - WORK SESSION</u>
373	Chair Strobeck	MOTION: Moves to TABLE HB 3615.
		VOTE: 6-0 EXCUSED: 1 - Rep. Montgomery
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
375	Chair Strobeck	Closes the work session on HB 3615 and opens the public hearing on SB 426.
		<u>SB 426 - PUBLIC</u>

<u>HEARING</u>		
384	Jeri Chenelle	Administrator, reviews provisions of SB 426.
395	Fred VanNatta	Oregon Building Industry Association, testifies in support of SB 426.
		* removes phrase so changes can be made in the code that may be more or less restrictive or have the same effect
		* under-floor insulation has brought this proposal; the technicians should be allowed to figure out what works best and is least expensive instead of being prohibited by something in the statute
		* the language being removed goes back to 1973 when the statewide building code was adopted
		* explains rationale and negotiations when the provision was included in 1973
441		* believes the language was included for one city; new lawyers and administrators read the language to say they believe it applies to all code amendments
TAPE 106, A		
029	Don Woodley	Building Official, Marion County, testifies in support of SB 426:
		* all codes are adopted by a public hearing process
		* to go into a public hearing with the understanding there can only be one outcome, more restrictive, is not reasonable
		* agrees it is being misapplied from the original intent
039	Peggy Collins	Building Codes Division, Department of Consumer and Business Services, testifies in support of SB 426 (EXHIBIT A).
054	Chair Strobeck	Closes the public hearing and opens the work session on SB 426.
<u>SB 426 - WORK SESSION</u>		
065	Rep. VanLeeuwen	MOTION: Moves SB 426 to the floor with a DO PASS recommendation.
069		VOTE: 5-0
		EXCUSED: 2 - Rep. Gardner, Montgomery
	Chair Strobeck	Hearing no objection, declares the motion CARRIED. REP. VANLEEUWEN will lead discussion on the floor.
072	Chair Strobeck	Closes the work session on SB 426 and opens the public hearing on SB 444-A.

<u>SB 444 A - PUBLIC HEARING</u>		
076	Jeri Chenelle	Administrator, reviews provisions of SB 444-A.
086	Scott Corwin	Office of Speaker of the House, testifies in support of SB 444 -A
		* allows local government limited flexibility to operate in a way that makes most sense to them, especially in rural counties
105	Steve Bogart	Baker County Judge, testifies in support of SB 444-A (EXHIBIT B) . :
		Issues discussed:
148		* whether Baker County has considered a home rule charter
170		* compensation of commissioners
		* election structure of officials in Baker County
220		* whether other counties will follow this
222	Paul Snider	Association of Oregon Counties, comments that a number of Senators expressed surprise at the structure of the local governing bodies.
230	Chair Strobeck	Asks if other counties are planning to adopt this same provision.
231	Bogart	Explains differences in responsibilities in Eastern Oregon counties, and adds that Crook County is doing some preliminary investigations into an alternative structure.
242	Rep. Schrader	Asks why no judicial function is allowed.
	Paul Snider	Reviews history of county government structure in early Oregon history, and practice of circuit court judges.
288	Paul Snider	Further explains the options the county courts have over operations.
300	Rep. Hill	Asks for clarification as to whether the three part-time commissioners would have to hire an administrator.
316	Bogart	Responds all three commissioners would be paid the same and have the same responsibilities; the commissioners would be part-time and there would be an administrator. Adds that the cost of an administrator is greater than his salary.
327	Chair Strobeck	Closes the public hearing and opens the work session on SB 444-A.
<u>SB 444-A - WORK SESSION</u>		
330	Rep. VanLeeuwen	MOTION: Moves SB 444-A to the floor with a DO PASS recommendation.
		VOTE: 4-1
		AYE: 4 - Gardner, Schrader, VanLeeuwen, Strobeck

330		NAY: 1 - Hill EXCUSED: 2 - Montgomery, Whelan
	Chair Strobeck	The motion CARRIES. REP. VANLEEUVEN will lead discussion on the floor.
345	Chair Strobeck	Closes the work session on SB 444-A and opens the public hearing on SB 349-A.
SB 349 A- PUBLIC HEARING		
355	Debra Kafoury	Professional Land Surveyors of Oregon, introduces Chuck Pearson.
360	Chuck Pearson	Professional Land Surveyors of Oregon, testifies in support of SB 349 A:
		* Professional Land Surveyors of Oregon and Oregon Association of County Engineers and Surveyors drafted SB 349
		* makes several housekeeping changes that allow the surveying statutes to keep up with new technologies and changes in federal regulations
		* SB 349-A would allow a surveyor of a subdivision, within a two-year time frame, to replace monuments destroyed by home and street construction, and instead of preparing a map, paying a filing fee and filing, the surveyor only would have to have an affidavit of monumentation prepared and submitted to the county surveyor who would approve and record it
		* original plat would have notes made on the document
		* allows the dedication of public right-of-way via a partition plan
		* would require the public governing body or their designee to accept it
404		* allows survey monuments to be removed with the consent of the county surveyor
		* allows metric measurements in surveys; will allow Oregon Department of Transportation to prepare their maps in compliance with the federal requirements
TAPE 105, B		
003	Rep. VanLeeuwen	Comments the language on page 5, lines 30 - 43 says "may reestablish monument within two years".
	Pearson	Explains the language would allow the original plat surveyor of a subdivision to replace a survey monument that is destroyed through home construction process and file an affidavit of the setting of the new monument.

016	Chair Strobeck	Asks what the "Willamette Stone" is.
	Pearson	Explains the Willamette Stone is the beginning point of all surveying done in Oregon and Washington.
036	Chair Strobeck	Asks why "india" ink is being deleted.
	Pearson	Explains "india" ink is an archival term and is very important because of the permanence of the records.
043	Rep. Hill	Asks if the surveyors would object to having counties require that survey maps also be provided at the time of filing on geographic information systems (GIS).
	Pearson	Responds that ORS chapter 92 has a requirement that new subdivision, partitioning, and condominium plats be tied into a geodetic control monument if the monument is within one-half mile of the project site; the intent was to be able to provide data for the geographic information systems.
063	Rep. Hill	Asks if it would it be appropriate to include permissive language to allow counties to require computerized records.
066	Pearson	Responds the digital format is a more burdensome way of doing review work. Adds that all the maps that are filed, that anytime a surveyor establishes a survey monument in Oregon, he is required to file a map with the county surveyor, and that all the information is available to GIS.
080		Discussion continues on maps and digital information.
128	Bob Hovden	Multnomah County Surveyor and speaking for the Oregon Association of County Engineers and Surveyors, testifies in support of SB 349 A:
		* served on committee that drafted the legislation
		* supports bill
141	Rep. Schrader	Asks under what guidelines a surveyor is able to remove a monument.
144	Pearson	Comments he thinks it is more a common sense type of thing, and gives example of someone wishing to change the number of lots in a subdivided parcel.
158	Rep. Schrader	Comments he sees nothing in the legislation that restricts a county surveyor from pulling any monument.
158	Pearson	Explains why a monument cannot be moved without doing anything else.
	Rep. Schrader	Suggest an amendment be made to prohibit abuse.
194	Rep. Hill	Comments on survey discrepancy and constituent spending thousands of dollars in court.
219	Pearson	Suggests written notification could be provided to the property owner where the monument was.

231	Chair Strobeck	Closes the public hearing and opens the work session on SB 349-A.
<u>SB 349-A - WORK SESSION</u>		
235	Chair Strobeck	Asks if Rep. Schrader would like to include an amendment on page 10, in line 15, about notice or public hearing.
251		Discussion continues on conceptual language to amend SB 349-A.
277	Rep. Schrader	MOTION: Moves to AMEND SB 349-A on page 10, in line 16, after "request," insert "with written notice to the affected property owners".
293	Rep. VanLeeuwen	Comments it is all right so long as it does not allow them to "may"--they "shall" provide written notice to the affected property owners.
299	Chair Strobeck	Comments the amendment should say, "upon written request and written notice to the property owners".
306	Rep. Gardner	MOTION: Moves to AMEND HIS PREVIOUS MOTION TO AMEND SB 349-A on page 10, in line 16, after "request" insert "and written notice to the affected property owners", and that the bill be sent to the floor with a DO PASS AS AMENDED recommendation.
307		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Montgomery
	Chair Strobeck	The motion CARRIES. Rep. SCHRADER will lead discussion on the floor.
314	Chair Strobeck	Closes the work session on SB 349-A and opens the public hearing on SB 419-A.
<u>SB 419 A - PUBLIC HEARING</u>		
320	Tom Gallagher	Explains that SB 419-A is a continuation of an existing piece of legislation in the statute which allows large industrial properties which have their own water, sewer and other amenities, to go through a separate annexation process before they can be annexed by a city; they have to agree to the annexation or request the annexation. Adds that the 10-year sunset was added in the Senate at the request of the League of Oregon Cities (LOC); LOC has no objection to continuing the annexation process as it exists in the statute. One piece of property owned by Tektronix has agreed to annexation with the city, and another two large pieces left under this provisions are the Reynolds Aluminum Plan outside Troutdale and the Tektronix facilities in Beaverton.

357	Dan Jarman	Tektronics, submits a prepared statement (EXHIBIT C), and offers to answer questions.
366	Rep. VanLeeuwen	Asks if this provides protection for the adjacent land owners.
	Gallagher	Explains these are very large pieces of industrial or commercial properties--manufacturing operations--, have a high property value, and provide all their own services. Adds the only reason to annex the properties is for the local government to capture the property values; they do not object to paying property taxes because they are paying the county and school district taxes.
400	Rep. Hill	Comments he thinks it is more their desire not to have to deal with cities or having the city surround them.
406	Chair Strobeck	Explains history of Tektronix facilities.
421	Chair Strobeck	Closes the public hearing and opens the work session on SB 419-A.
<u>SB 419-A - WORK SESSION</u>		
425	Rep. Gardner	MOTION: Moves SB 419A to the floor with a DO PASS recommendation.
427		VOTE: 3-1 AYE: 3 - Gardner, Schrader, Strobeck NAY: 1 - Hill EXCUSED: 3 - Montgomery, VanLeeuwen, Whelan
	Chair Strobeck	The motion FAILS.
429		MOTION: By implied consent the rules are SUSPENDED to allow REP. HILL to CHANGE vote from NAY to AYE on sending SB 419A to the floor with a DO PASS recommendation.
		VOTE: 4-0 EXCUSED: 3 - Montgomery, VanLeeuwen, Whelan
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
434	Rep. Hill	Changes his vote to AYE.
	Chair Strobeck	The motion CARRIES.
437		Chair STROBECK will lead discussion on the floor.
438	Rep. Hill	Comments he will vote no on the floor.

Submitted By, Reviewed By,

Annetta Mullins, Jeri Chenelle,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 426, prepared statement, Peggy Collins, 1 p

B - SB 444, prepared statement, Steve Bogart, 1 p

C - SB 419, prepared statement, Dan Jarman, 2 pp