

HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 16, 1997 Hearing Room D

1:00 P.M. Tapes 107 - 108

**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 2461 - Work Session

SB 734 - Public Hearing and Work Session

SB 937 - Public Hearing and Work Session

HB 3290 - Work Session

SB 526 - Public Hearing

HB 2897 - 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.**

| <b>Tape/#</b>      | <b>Speaker</b> | <b>Comments</b>  |
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| <b>Tape 107, A</b> |                |  |
|                    | Chair          | Calls meeting to order at 1:10 p.m. and opens the public hearing on SB |

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| 002                                    | Strobeck        | 734.  |
| <b>SB 734 -<br/>PUBLIC<br/>HEARING</b> |                 |   |
| 003                                    | Jeri Chenelle   | Administrator, reviews provisions of SB 734.  |
| 0021                                   | Chenelle        | Informs the members that a letter from the Oregon Liquor Control Commission is in their packet ( <b>EXHIBIT A</b> ).  |
| 026                                    | Paul Williamson | Oregon Liquor Control Commission (OLCC), testifies in support of SB 734.  |
|  |                 | * SB 550 of 1995 inadvertently left the liquor agents out   |
|  |                 | * not all agents want to carry the products; it is reasonable item for the public to expect to find in a liquor store   |
|  |                 | Issues discussed:   |
|  |                 | * where products are manufactured   |
|  |                 | * alcohol content   |
| 043                                    | Chair Strobeck  | Closes the public hearing and opens the work session on SB 734.   |
| 044                                    | Rep. Gardner    | <b>MOTION: Moves SB 734 to the floor with a DO PASS recommendation.</b>   |
| 044                                    |                 | <b>VOTE: 5-0</b><br><br><b>AYE: In a roll call vote, all members present vote Aye.</b><br><br><b>EXCUSED: 2 - Montgomery, Schrader</b>  |
|  | Chair           | <b>The motion CARRIES.</b><br><br><b>REP. GARDNER will lead discussion on the floor.</b>  |
| 049                                    | Chair Strobeck  | Closes the work session on SB 734 and opens the public hearing on SB 937.   |
| <b>SB 937 -<br/>PUBLIC<br/>HEARING</b> |                 |   |
| 055                                    | Jeri Chenelle   | Administrator, reviews provisions of SB 937.  |
| 063                                    | Cassina Cassim  | Special Districts Association and the Oregon Fire Chiefs Association, testifies in support of SB 937:   |
|  |                 | * explains who sponsors of SB 937 are   |
|  |                 | * SB 937 is in response to an attorney general opinion of April 6, 1996, which states that cities and counties have this authority in their home rule charter provisions; since special districts are statutorily created, those districts do not have this authority |
|  |                 | * SB 937 is not intended to override the governor's authority   |
|  |                 | * explains process of adopting rules and authority for mandatory  |

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| 089  |                    | evacuations  |
| 096  | Chair<br>Strobeck  | Asks for an example of when this would be used.  |
| 090  | Alex Jensen        | Executive Officer, Tualatin Valley Fire and Rescue, gives examples of when this law would be used.   |
| 120  |                    | * is more a housekeeping bill than anything  |
|  |                    | * asking to have same authority as cities and counties have  |
|  |                    | Issues discussed:  |
|  |                    | * authority to order evacuations   |
| 139  |                    | * limitation on types of situations for which evacuations could be order   |
|  |                    | * refusal to evacuate  |
| 168  |                    | * authority to order evacuations   |
| 187  |                    | * whether an amendment is needed to specify an official, rather than any agency or official  |
| 218  | Chair<br>Strobeck  | Closes the public hearing and opens the work session on SB 937.  |
| <b><u>SB 937 -<br/>WORK<br/>SESSION</u></b>  |                    |  |
| 222  | Rep.<br>VanLeeuwen | <b>MOTION: Moves SB 937 to the floor with a DO PASS recommendation.</b>  |
| 225  |                    | <b>VOTE: 6-0</b><br><br><b>AYE: In a roll call vote, all members present vote Aye.</b><br><br><b>EXCUSED: 1 - Rep. Hill</b>  |
|  | Chair              | <b>The motion CARRIES.</b><br><br><b>REP. WHELAN will lead discussion on the floor.</b>  |
|  | Chair<br>Strobeck  | Closes the work session on SB 937 and opens the work session on HB 3290.   |
| <b><u>HB 3290 -<br/>WORK<br/>SESSION</u></b> |                    |  |
| 239  | Jeri Chenelle      | Administrator, advises the committee the HB 3290-1 amendments are new and are from Rep. Gardner.   |
| 232  | Rep. Gardner       | Explains the HB 3290-1 amendments ( <b>EXHIBIT B</b> ):  |
|  |                    | * changes language to make it more permissive  |
|  |                    | * electricians and plumbers are in favor of paying for the service so that an interim task force can determine whether there can be a suggestion for the next legislative session for better delivery of services throughout the metropolitan area |

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| 270 | Pat Bridges     | Director of Technology and Codes, Oregon Building Industry Association, testifies in opposition to HB 3290:  |
|     |                 | * in 1992, Governor Roberts appointed a task force; conclusions on the issue of consolidation at that time was it would not benefit the residential construction in any way  |
|     |                 | * recommendations were presented to the legislature and a number were implemented to alleviate the problem that was occurring at that time   |
|     |                 | * SB 35 in the 1995 Session encompassed the whole question of services to the residential construction industry; there have been policies implemented as a result of that bill   |
| 296 |                 | * consolidation would probably mean there would be very few, very large building departments within the metropolitan area  |
|     |                 | * contractors get the least amount of service on a timely basis from the large jurisdiction than from the smaller jurisdictions  |
|     |                 | * testimony has been offered that this would expedite the permit process; does not know where the plumbing and electrical programs are coming from because in residential the permits are all obtained by and paid for by the builders in a one-stop process                                       |
|     |                 | * in Metro area contractors are colliding with the general policy within the urban growth boundary for higher densities with the local ordinances that deal with set backs, etc.; fear is that with consolidation they would have to go through local review to deal with zoning and siting issues |
| 330 |                 | * Has been asked by Bill Cross who represents the Portland Metropolitan Association of Building Owners & Managers to indicate they are in opposition and have the same fear that consolidation would end up with less service ( <b>EXHIBIT C</b> ).  |
|     |                 | Issues discussed:  |
| 347 |                 | * anticipation of task force findings  |
| 358 |                 | * membership of the 92-93 task force   |
| 360 | Bob Kelly       | Oregon Building Officials and Washington County, comments on the membership of the task force and needs of different districts.  |
| 370 | Rep. Montgomery | Comments on government studies.  |
| 381 | Kelly           | Submits copy of part of report to Governor Roberts ( <b>EXHIBIT D</b> ), and comments his concern is having the three different sized jurisdictions represented because in the metropolitan area there are different sized departments.  |
| 399 |                 | Discussion is held on membership of the task force.  |
| 448 | Burton Weast    | Plumbing, Heating and Cooling Contractors, testifies in support of HB 3290, and reviews task force activities under Governor Roberts.  |
|     |                 | * encourages passage   |

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|                                      |                 | * are willing to contribute to costs   |
|                                      |                 | * believes a lot of changes have happened in the building trades and a lot more demands made since 1992  |
|                                      |                 | * task force was created by Governor Roberts in response to Measure 5  |
|                                      |                 | * 11 committees operated and came up with good ideas and would like to try it again to attempt to build some efficiencies into the building permit process in the Portland area  |
| <b>TAPE 108</b>                      |                 |  |
| 040                                  | Rep. VanLeeuwen | <b>MOTION: Moves to ADOPT HB 3290-1 amendments dated 05/09/97.</b>   |
| 041                                  |                 | <b>VOTE: 6-0</b><br><b>EXCUSED: 1 - Rep. Hill</b>  |
|                                      | Chair           | <b>Hearing no objection, declares the motion CARRIED.</b>  |
| 042                                  | Rep. Gardner    | <b>MOTION: Moves HB 3290 to the floor with a DO PASS AS AMENDED recommendation.</b>  |
| 044                                  |                 | <b>VOTE: 6-0</b><br><b>AYE: In a roll call vote, all members present vote Aye.</b><br><b>EXCUSED: 1 - Rep. Hill</b>  |
|                                      | Chair           | <b>The motion CARRIES.</b><br><b>REP. GARDNER will lead discussion on the floor.</b>   |
| 049                                  | Chair Strobeck  | Closes the work session on HB 3290 and opens the work session on HB 2461.  |
| <b><u>HB 2461 - WORK SESSION</u></b> |                 |  |
| 060                                  | Jeri Chenelle   | Administrator, reviews provisions of HB 2461 and the -1 amendments ( <b>EXHIBIT E</b> ).   |
| 070                                  | Chair Strobeck  | Comments that Rep. Luke had concerns about the purpose of the commission and that is why he urged abolition of the commission, that he has met with a group of people, and has asked the committee to adopt the -1 amendments. |
| 074                                  | William Elliott | Vice Chair, Oregon Seismic Safety Policy Advisory Commission, explains that the commission at its meeting this week endorsed the -1 amendments with some slight changes:   |
|                                      |                 | * would like to encourage equity in the commission; criticism has been there are too many government people and not enough stakeholders  |
|                                      |                 | * would like to add back the Water Resources Department representatives because of issues related to dams and dam safety   |

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| 090 |                  | * would like to produce a balance of 6-6-6 between state government, local government, and stakeholders   |
|     |                  | * would involve building codes people, Department of Geology and Mineral Industries, Oregon Emergency Management, Division of the State Police, Oregon Department of Transportation, and the Water Resources Department.  |
|     |                  | * six public interest representatives would be two local governments and four public interest; of the four public interests, one would be school district, college or university, and three as general public interest  |
|     |                  | * affected stakeholders and elected officials can come from a number of places  |
| 104 |                  | * believes other opportunities include residential building interest, banking, and insurance  |
|     |                  | * building users could be tenant association  |
|     |                  | * hospital and medical interest have been helpful   |
|     |                  | * academic research in earthquake, engineering, seismology or risk management   |
| 121 |                  | * ports and harbors   |
|     |                  | * retail and commercial interest  |
|     |                  | * special districts   |
|     |                  | * House and Senate members  |
|     |                  | Issues discussed:   |
| 139 |                  | * beginning of commission   |
|     |                  | * purpose of the commission   |
| 154 |                  | Discussion continues on the need for the commission.  |
| 177 | Rep. Schrader    | Comments that the commission may not be needed.   |
| 189 | Chair Strobeck   | Asks if Rep. Luke's concern was that the commission is government heavy.  |
|     | Elliott          | Responds affirmatively and adds that Rep. Luke convened a small working group after the initial hearing; the group was able to understand Rep. Luke's concerns and developed the changes to his satisfaction.   |
| 199 | Rep. Montgomery  | Comments he would move HB 3461 to the floor with a do pass recommendation if the Chair wants, but is opposed to the -1 amendments.  |
| 231 | Rep. Dennis Luke | Comments he is happy with the -1 amendments and did not realize other amendments would be offered.  |
| 238 | Luke             | Explains his views of the commission as a member of the commission, and that the Department of Geology and Mineral Industry (DOGAMI), the Office of Emergency Management and Building Codes have said they need a sounding board for some of their proposals to see if they |

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|            |                       | work. Adds that they have suggested changes in the membership and roles of the commission.  |
| 266        | Rep. Schrader         | Comments there seems to be some interest by the committee to going back to the original bill.   |
| 268        | Rep. Luke             | Responds that would be up to the committee, but believes the people who have come forward from DOGAMI, Building Codes and Emergency Management have an interest in having the commission.   |
| 274        | Chair Strobeck        | Asks Rep. Luke if his preference would be to for the committee to adopt the -1 amendments.  |
| 258        | Rep. Luke             | Responds he would be fine with the -1 amendments.   |
| 281        | Rep. VanLeeuwen       | Comments that some members are inclined to go with the original bill.   |
|            | Rep. Luke             | Responds it can be whatever the committee chooses to do, this is not a live or die commission, and that the sounding board could be created in different ways but this commission is already up and running. Adds the commission does not have a budget, but are budgeted out of Emergency Management for about \$22,000. |
| 277        | Rep. Schrader         | Comments he is concerned about duplication once the emergency board is up and running and suggest there be a sunset or an automatic review in two years.  |
| 300        | Chair Strobeck        | Comments that he agrees, and if HB 3680 had gone forward with the full funding package, this would have been eliminated.  |
| <b>310</b> | <b>Rep. Schrader</b>  | <b>MOTION: Moves to CONCEPTUALLY AMEND HB 2461 to add a sunset clause of two years after the effective date.</b>  |
| 320        | Rep. Montgomery       | Comments that bills with sunset clauses have come before committees he serves on and that they were all extended.   |
| <b>332</b> |                       | <b>VOTE: 3-3</b><br><b>OBJECTING: 3 - Montgomery, VanLeeuwen, Strobeck</b><br><b>EXCUSED: 1 - Hill</b>  |
|            | <b>Chair Strobeck</b> | <b>The motion FAILS.</b>  |
| <b>336</b> | <b>Rep. Gardner</b>   | <b>MOTION: Moves to ADOPT HB 2461-1 amendments dated 05/13/97.</b>  |
| <b>340</b> |                       | <b>VOTE: 3-3</b><br><b>AYE: 3 - Gardner, Whelan, Strobeck</b><br><b>NAY: 3 - Montgomery, Schrader, VanLeeuwen</b><br><b>EXCUSED: 1 - Hill</b>   |
|            | <b>Chair Strobeck</b> | <b>The motion FAILS.</b>  |

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| 354                                   | Rep.<br>Montgomery        | <b>MOTION: Moves HB 2461 to the floor with a DO PASS recommendation.</b>   |
| 359                                   |                           | <b>VOTE: 3-3</b><br><b>AYE: 3 - Montgomery, Schrader, VanLeeuwen</b><br><b>NAY: 3 - Gardner, Whelan, Strobeck</b><br><b>EXCUSED: 1 - Hill</b>  |
|                                       | <b>Chair<br/>Strobeck</b> | <b>The motion FAILS.</b>   |
| 370                                   | Chair<br>Strobeck         | Closes the work session on HB 2461 and opens the public hearing on SB 526.   |
| <b><u>SB 526 - PUBLIC HEARING</u></b> |                           |  |
| 364                                   | Jeri Chenelle             | Reviews provision of SB 526.   |
| 399                                   | Rep.<br>Montgomery        | Asks if the Senate adopted the Minority Report.  |
| 459                                   | Chair                     | Strobeck request that the committee stand at ease pending the arrival of Sen. Miller   |
| <b>TAPE 107, B</b>                    |                           |  |
| 027                                   | Sen. Randy<br>Miller      | Explains that the Senate passed the original bill agreeing the policy was not fit to remain in statute.  |
|                                       |                           | * the bill does not repeal self service, only the policy statement which has no effect in the law  |
| 048                                   |                           | * policy statement talks about prohibition being based on, among other things, Oregon's uniquely adverse weather conditions; 48 other states allow people to serve their own gasoline                                  |
|                                       |                           | * statement also includes increase in crime rates, liability rates, increased risk of fire explosion; there are not a lot of reports of people blowing themselves up, or increased rates where self-service is allowed |
| 098                                   | Rep.<br>VanLeeuwen        | Comments that perhaps ORS 408.320 should be removed, but leave in tact other parts of law including those on retail distributing facilities which are self-serve.  |
| 106                                   | Chair<br>Strobeck         | Asks if SB 526 would have any influence on any practice of dispensing gasoline at cardlocks or regular gas stations.   |
| 108                                   | Sen. Miller               | Responds negatively.   |
| 110                                   | Chair<br>Strobeck         | Due to limited time, ask witnesses to limit their testimony to no longer than three minutes.   |
| 124                                   | Dale Brown                | Boring, Oregon, President, One million Oregonians Against Pumping Gas, testifies in opposition to SB 526:  |



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|     |                | * believes purpose of SB 526 is to remove an obstacle and get self-serve started   |
|     |                | * it is an attack on the citizens of Oregon and especially on the seniors<br>* believes it is an attempt to provide free labor to the oil companies  |
|     |                | * choice before committee is the basic welfare of Oregonians as opposed to the welfare of the oil companies  |
|     |                | * no supervision at self-serve station   |
| 147 |                | * reads story from <u>The Oregonian</u> about Redwood City, California incident  |
|     |                | * need all the safeguards  |
| 167 | Mike Sherlock  | Oregon Gasoline Dealers Association: testifies in support of SB 525:   |
|     |                | * issues in policy statement are not true, weather is not different  |
|     |                | * Oregonians are no different  |
|     |                | * insurance rates are no different in self-service states than in Oregon   |
| 189 | Eugene Organ   | Testifies in opposition to SB 526 ( <b>EXHIBIT F</b> ).  |
| 217 | Diane Imel     | Oregon Disabilities Commission, testifies in opposition to SB 526 ( <b>EXHIBIT G</b> ).  |
| 254 | Patrick Rogers | Oregon Paralyzed Veterans, testifies in opposition to SB 526:  |
|     |                | * it is the only reference to the Americans with Disabilities Act  |
|     |                | * believes it is the nose of the camel under the tent  |
| 283 | Chair Strobeck | Asks for confirmation that Mr. Rogers has said his group would be willing to look at the elements in the House bill that assured anybody who wants to have attended service could have it at no difference in price. |
| 291 | Rogers         | Responds they would be willing to discuss it between now and 1999.   |
| 301 | Chair Strobeck | Announces the hearing will be continued for three minutes because there is no support on the committee to move the bill.   |
| 296 | Ray Jean       | Representing senior citizens at large, testifies in opposition to SB 526:  |
|     |                | * they could not get self-serve in whole so now they are going to get it a piece at a time   |
|     |                | * new service stations are geared for self service and are beginning to train the customers  |
|     |                | * it will be an insult when we have a law that says we will pump our own gas and oppose what citizens of Oregon have repeatedly voted down   |
| 350 | Nelson Grubbe  | Eugene resident and member of the Governor's Commission on Senior Services, testifies in opposition to SB 526:   |

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|                                       |                            | * policy is quite different than an ordinary statute that sets down a rule   |
|                                       |                            | * the reason for pulling out the policy statement is simple; if we do not have a reason for it, then the next step is very simple  |
| 357                                   | Duane Osburn               | Oregon Retired Educators, State Legislative Chair, testifies in opposition to SB 526:  |
|                                       |                            | * entire group opposes SB 526  |
| 423                                   | Chair<br>Strobeck          | Closes public hearing on SB 526 and opens the work session on HB 2897  |
| <b>TAPE 108, B</b>                    |                            |  |
| <b>HB 2897 -<br/>WORK<br/>SESSION</b> |                            |  |
| 011                                   | Burton Weast               | Special Districts Association of Oregon, introduces Clark Balfour, attorney to several special districts and an elected board member to Tualatin Valley Fire and Rescue, and reviews history of HB 2897: |
|                                       |                            | * there were two issues: bill had inadvertently been drafted to allow the mergers of dissimilar districts  |
|                                       |                            | * submits letter and section-by-section explanation from Clark Balfour, and the HB 2897-1 amendments ( <b>EXHIBIT H</b> )  |
|                                       |                            | * amendments delete the offending language (lines 7 and 8 of the -1 amendments)  |
| 032                                   |                            | Discussion is held on form and style of the HB 2897-1 amendments.  |
| 045                                   | Weast                      | Continues explanation of the -1 amendments:  |
|                                       |                            | * the second concern was with the board and the percentage of electors to get a board member   |
|                                       |                            | * there is disincentive for districts to merge because the entire board comes up for election; a smaller district could be consumed by the voters of the larger districts                                |
|                                       |                            | * amendments provide that where there is 20 percent or more of the population in the smaller districts, a seat is assigned   |
|                                       |                            | Issues discussed:  |
| 059                                   |                            | * whether noncontiguous districts would be able to merge   |
| 077                                   | <b>Rep.<br/>Montgomery</b> | <b>MOTION: Moves to ADOPT HB 2897--1 amendments dated 04/24/97.</b>  |
| 078                                   |                            | <b>VOTE: 5-0</b><br><b>EXCUSED: 2 - Hill, Whelan</b>   |
|                                       | <b>Chair</b>               | <b>Hearing no objection, declares the motion CARRIED.</b>  |
| 079                                   | <b>Rep.<br/>Montgomery</b> | <b>MOTION: Moves HB 2897 to the floor with a DO PASS AS AMENDED recommendation.</b>  |
|                                       |                            | <b>VOTE: 5-0</b>   |

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| 084 |                   | <b>AYE: In a roll call vote, all members present vote Aye.</b><br><b>EXCUSED: 2 - Hill, Whelan</b> |
|     | <b>Chair</b>      | <b>The motion CARRIES.</b><br><b>VANLEEUVEN will lead discussion on the floor.</b>                 |
| 079 | Chair<br>Strobeck | Closes the work session on HB 2897 and adjourns the meeting at 2:39 p.m.                           |

Submitted By, Reviewed By,

Annetta Mullins, Jeri Chenelle,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - SB 734, prepared statement, Barbara Hutchison, 1 p**

**B - HB 3290, HB 3290-1 amendments, Rep. Gardner, 1 p**

**C - HB 3290, prepared statement, Bill Cross, 1 p**

**D - HB 3290, 1992 Task Force on Local Government Services Report, Bob Kelly, 11 pp**

**E - HB 2461, HB 2461-1 amendments, Rep. Luke, 4 pp**

**F - SB 526, prepared statement, Eugene Organ, 2 pp**

**G - SB 526, prepared statement, Diane Imel, 2 pp**

**H - HB 2897, letter, explanation, and HB 2897-1 amendments, Burton Weast, 5 pp**