

HOUSE COMMITTEE ON GENERAL GOVERNMENT

March 19, 1997 Hearing Room D

1:00 P.M. Tapes 48 - 50

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 2384 - Public Hearing

HB 2500 - Public Hearing

HB 2461 - Public Hearing

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 48, A		
003	Chair Strobeck	Calls meeting to order at 1:06 p.m. and opens the public hearing on HB 2384.
<u>HB 2384 - PUBLIC HEARING</u>		
011	Jeri Chenelle	Administrator, reviews provisions of HB 2384.

018	Rep. Lonnie Roberts	Testifies in support of HB 2384:
		> county fair in Multnomah County began in 1912 by the grange and was assigned to the county in 1962; grange is no longer interested in sponsoring the county fair
041	Rep. Mike Fahey	Testifies in support of HB 2384:
		* fair has been held in district since 1962, the county fair has not held a high priority because it has continued to deteriorate
		* thinks fair is very worthwhile for people to go see animals, especially in a district like northeast Portland.
056	Frank Knapp	Member of Friends of the Fair and the Fair Board, submits packet of information and reads prepared statement (EXHIBIT A).
100	Knapp	Continues presentation.
112		Issues discussed:
		* population in Clackamas, Washington, and Multnomah counties
		* effect of "400,000 population" on other county fairs
143		* lottery moneys allocated to county fairs
		* profitability of Multnomah County Fair
		* transfer of property from Multnomah County to Metro
		* membership of Friends of the Fair board
		* further discussion of profitability of Multnomah County Fair
203		* fund raising activities
		* fair dates set by the state
		* further discussion on population of Multnomah County and how the "400,000 population" might affect other counties after the next census
233		* whether HB 2384 can specifically identify Multnomah County
	Rep. Roberts	* will provide population statistics for Oregon counties
267		* impact of elimination of "board of commissioners"
	Chenelle	Clarifies why language is written the way it is.
283	Rep. Hill	Notes the definitions in the bill.
286	Rep. Montgomery	Comments this is geared to Multnomah County, and does not want this to affect the other counties.
	Rep. Roberts	Suggest staff check with Legislative Counsel, and notes the only county with a problem is Multnomah County.
327	John McCulley	Oregon Fairs Association, introduces Bob Turviso, Clackamas County Fair Board and President of Oregon Fairs Association, Bill McKinley, Washington County Fair and former manager of the Multnomah County fair, and Cal Wade, Director, Washington County Fair. Submits and summarizes a prepared statement in support of HB 2384 and

		proposing amendments (EXHIBIT B).
350	McCulley	Continues presentation.
388	McCulley	Explains proposed amendments delete Section 3 of the bill which deals with a lot of the property ownership issues and the financial issues that have merit and are worthy of discussion, but may tend to make the bill more difficult to get through the process.
TAPE 49, A		
001	Bill McKinley	Representing Washington County Fair (and former manager of the Multnomah County Fair and Exposition Center), reviews history of working with the Multnomah County Fair.
036	Cal Wade	Executive Director, Washington County Fair, comments he is concerned about the 400,000 because Washington County expects to be above it in the year 2000, and supports the Oregon Fair Association and the testimony by John McCulley.
046	Bob Turviso	President, Clackamas County Fair and the Oregon Fairs Association, testifies his concerns are the same as previous speakers, and recounts history of the demise of Multnomah County's support of the county fair. Asks members to take into consideration the population.
		Issues discussed
087		* demographics of Multnomah County
097		* integration of fair activities into the high tech world; fairs are educational
134		* success of Lane County and California county fairs
		* urbanization impact on communities
146		* financier of the Smithsonian Building
		* location of Multnomah County fair
162		* benefits of 4-H activities
200		* profits/losses from Multnomah County Fair
211	Chair Strobeck	Notes Section 4 of HB 2384 talks about money and maintaining a fair fund, but does not specify how much is to be in the fund, and asks if the witnesses have a recommendation.
203	John McCulley	Explains any money received for the fair would be deposited in the fund.
223	Chair Strobeck	Asks if a fund is not required in current law.
	McCulley	Explains there is a requirement for those counties with a population less than 400,000.
226	Rep. Fahey	Comments that Multnomah County had a population of over 400,000 and were basically exempt from the fair fund and the dollars went directly into the general fund.
234	Chair Strobeck	Asks if proceeds from all activities held at the Washington County Fairgrounds is deposited in the Washington County Fair Fund.

234	Bill McKinley	Responds affirmatively.
	Wade	Explains the financial aspects of the Washington County Fair.
245	Chair Strobeck	Asks how much it costs to produce the Washington County Fair, how much comes from the proceeds of activities at the fairgrounds, and how much from the county general fund.
247	McKinley	Responds they do not get anything from the county general fund. Adds their budget for the next fair will be over two million dollars (last year it was \$1.7 million); the expenses were about \$500,000 and income was about \$600,000; their goal is to raise \$100,000 a year.
261	Chair Strobeck	Asks if the state funds for county fairs flow directly to the fair boards.
	McKinley	Responds affirmatively.
	McCulley	Adds that last year the funds were around \$35,000 to \$36,000 from the Lottery; a decision was made by the 1995 Legislature and the fairs took their cut; this year the fairs received around \$75,000 or \$80,000 over the two year period.
272	Rep. Fahey	Notes the moneys go into the Fair Fund.
286	Tom Cropper	Member, Gresham Grange 270 and cable access producer, testifies in support of HB 2384:
		* describes Metro takeover of Exposition Center and Glendover park without a vote of the people
		* does not believe we can live in totally urban area
		* opposed to what Multnomah County has done to the county fair
349	Clare Donison	Multnomah Activist Solutions, testifies in support of HB 2384:
		* real property now touches Gresham and understands urbanization
		* Highway 282 should be one of the belt line arteries
383		* fair was self-supporting while it was at Gresham
		* asks why we should give up agriculture which does not pollute
		* Fair Fund is needed and it needs to be accountable
		* reviews family involvement in activities at the fair
TAPE 48, B		
014	Bob Cantine	Association of Oregon Counties, introduces Dave Schmidt, Linn County Commissioner, and testifies in support of HB 2384:
		* a lot of different opinions on how to structure and manage fairs
		* the fair is one of many events in exhibition or exposition kinds of operation
		* in some counties, fairs are quite different

		* county fairs are great events and help build communities
		* questions whether county fairs are decisions the state should make
		* asks if landscape is different enough among counties that they need to manage things differently
052	Dave Schmidt	Chair, Linn County Board of Commissioners, comments this hearing presents an opportunity to discuss points the Linn County Board of Commissioners has been discussing with the Linn County Fair Board.
		* county fair once was main event for county
		* facilities are used for horse shows, other expos, and community uses for the grounds
		* about to complete new facility with five acres under roof
092		* facility demands expert administrative support and professionals in management functions
098		* must have organization structure to allow it to succeed, must have good communication from top to bottom and believes public accountability should reside with the county commissioners or the county court
		* currently the board of commissioners has the fiscal and budgetary responsibility for the fair and expo operation in Linn County * county commissioners always looks to the interest of the public, but does not have the authority to manage the operation or maintain the buildings; it is an unworkable situation
		* changes could be better for fair boards; legal and liability issues would be straightforward if fair operations were clearly a county operation
		* potential problems of fair boards are there could be inadequate planning, poor or unlawful hiring and firing, poor or unlawful employee management, lack of necessary policies and other management decision could be made by a fair board without the knowledge of the governing body. * county is named in any litigation and would be party to any defense and settlement costs
128	Rep. Hill	Asks if the chair will entertain amendments to the bill.
132	Chair Strobeck	Responds the intent is to discuss the merits of the bill primarily as it relates to Multnomah County, and notes the suggested amendments suggested by the Oregon Fairs Association are simply proposed.
135	Schmidt	Adds that Linn County does have a fair fund, and that the county subsidizes the operation with about \$115,000 a year on the average to apply to all operations of the facility, not just the county fair.
	Schmidt	Asks committee to recognize the problem and that one option is to correct the ORS. Adds that Linn County is working with their fair board to find other options.

		Issues discussed:
157		* involvement of county governing body
170		* whether the 400,000 population should be removed to allow county commissioner to make the decisions
191		* Discussion continues on authority of county governing bodies.
231		* appointing authority for fair board members
243		* formal agreements between county commissioners and fair boards
253		* sources of moneys: state lottery money, anticipated revenues, county general fund, and City of Albany
297		* Linn County has \$40,000 lottery funds in the budget for the county fair next year
302		* Linn County Board of Commissioners approves the budget for the fair and has control, but does not have control of the profits from the fair.
306		* No Linn County Commissioner is on the fair board; there is a liaison for communication.
310	Cantine	Comments he believes they are trying to address the options that should be available. Position is the Association of Oregon Counties (AOC) wants to maintain as great a flexibility as possible to have counties do things that fit best in their county and closing off an option is not consistent with that. Asks that HB 2348 be amended to allow counties to determine the structure of the fair board.
331	Rep. Montgomery	Comments that HB 2384 has nothing to do with testimony presented.
363	Rep. Strobeck	Notes that the reference to the 400,000 is taken out in HB 2384.
348	Rep. VanLeeuwen	Comments the summary of the bill is wrong.
354	Mike Oswald	Multnomah County, testifies in opposition to HB 2348 (EXHIBIT C).
400	Oswald	Continues presentation.
TAPE 49, B		
005	Oswald	Continues presentation.
038		Issues discussed:
056		* whether the transfer of fair property by the county to Metro was appropriate
080		* funding under Section 3 (1)
		* fair expenses and charges to other funds
096	Chair Strobeck	Appoints a work group with Rep. Gardner, Chair and Reps. Schrader and Hill, and asks the work group to research the issue and bring recommendations back to the committee.
105	Chair	Closes public hearing on HB 2384 and opens public hearing on HB

	Strobeck	2500.
HB 2500 - PUBLIC HEARING		
116	Jeri Chenelle	Reviews provisions of HB 2500.
	Jon Chandler	Director, Government Affairs, Oregon Building Industry Association, testifies in support of HB 2500 (EXHIBIT D) and proposes amendment in line 7 to delete "or ask" and in line 10, to strike "request the imposition of".
152	Maur Horton	Oregon Department of Transportation, testifies in support of HB 2500 (EXHIBIT E).
170	Rep. Schrader	Asks if HB 2500 would delete any system development charges anywhere in Oregon.
177	Chandler	Responds he does not believe the state law would allow ODOT to impose the fee they were talking about; this makes it clear.
195	Horton	Responds the intent of the bill as it is rewritten is to keep ODOT and other state agencies from requiring that the traffic development fee be put in, and that there is nothing that would prevent ODOT from asking the county and making an intergovernmental agreement to say if there is one in place, they could share insofar as it is permitted under current law in order to make improvements.
205	Rep. Schrader	Comments he feels that needs to be made clear because the amendments may not do that, and adds there may be a catch-22 in the bill because unless there is enabling legislation for system development charges in the law, local jurisdictions would be unable to enact enabling legislation at the state or local level.
212	Chandler	Responds the bill is directed only to state agencies.
229	Rep. Schrader	Adds that the comments verify a concern, and gives example of local jurisdictions in Colorado that were interested in promoting that growth pay its fair share and that it no longer be the taxpayer; it was struck down by the courts because the state did not have enabling legislation. Adds this would prohibit the State of Oregon from having enabling legislation.
237	Rep. Hill	Expresses concern that the state may abrogate their responsibility for repairing roads within a city and ask the city to pay or help pay for the repairs.
269	Horton	Responds that the department is very sensitive with the local communities, and believes the situations where they are looking for mutual solutions are not in "highway maintenance" areas, but it is something the city government might want to do to "beautify" the road or improve access for an area.
302	Chair Strobeck	Closes the public hearing on HB 2500 and opens the public hearing on HB 2461.
HB 2461 -		

<u>PUBLIC HEARING</u>		
319	Rep. Dennis Luke	District 54, testifies in support of HB 2461:
		* was appointed to the Seismic Safety Policy Advisory Commission
		* Commission was trying to decide issues without proper background and taking positions on subjects where the proper amount of testimony and time was not devoted to the subjects.
		* Introduced bill for two reasons: if commission doesn't change, it should be shut down, and they should come before the legislature to justify their existence.
		* Commission does not have a budget before the legislature, but they spend about \$27,000 out of the emergency management moneys.
		* Additional expenses are for legislators and building codes representative and use of building.
		* Money could be used for other earthquake planning needs.
		* Department of Geology and Mineral Industries (DOGAMI) is not interested in staffing the commission without extra money.
		* Building Codes would staff the commission if they were given money.
		* Emergency Management would like to have the money reimbursed.
		* Some of the money comes from the feds and is supposed to be used for mitigation; expenditures by the commission may not fulfill the federal requirements.
		* Meetings three or four times a year makes it difficult to come to conclusions.
TAPE 50, A		
004	Schrader	Asks if DOGAMI has the authority to do the work the commission is doing.
	Rep. Luke	Reads the commission's mission statement and adds he believes DOGAMI and Building Codes can do the work.
017	Bill Elliott	Vice Chair, Seismic Safety Policy Advisory Commission submits a prepared statement, letter from City of Klamath Falls and the commission's report to the governor and the legislature (EXHIBIT F).
	Elliott	Presents statement and responds to Rep. Luke's statement..
		* There is no compensation, except to reimburse one or two people.
		* Rep. Minnis never attended meetings; Rep. Luke attended two, former Senator Ron Cease was strong supporter and attended as many meetings as he could.
		* Commission needs to move ahead and focus on fewer activities.
075		* Commission believes commissions in other states which receive federal moneys or use their emergency money to support the

		commissions have been very effective.
		* A workshop in Los Angeles showed that what Oregon is doing is unique and has been held up by the Federal Emergency Management Agency (FEMA) as an example of what can be done with a lot of volunteer support and interest.
	Chair Strobeck	Asks if the same work is being done by other offices in state government.
	Elliott	Explains it is not; the commission fills between what DOGAMI is doing with regard to geology and seismic risk and what Building Codes is doing with regard to regulations.
099	Sherry Patterson	Director, Oregon Earthquake Preparedness Network, and member Lake Oswego Fire Department's Community Emergency Response Team, testifies in opposition to HB 2461.
		* commission has many areas to improve in, but believes their accomplishments have been remarkable with the monetary constraints
122		* believes legislators should be willing to put in time to serve on commission
		* the commission supported the disclosure of all seismic risks; DOGAMI has never taken position
		* DOGAMI receives millions of dollars to publish the seismic relative hazard maps, but by law no one is required to use them; in California cities and counties are required to use them within 10 days.
		* Commission's function should continue and should provide opportunities for public input.
		* Coordination is critical; there are 274 dams in Oregon yet the state dam safety people do not have the authority to require repairs of dams.
		* Down-stream warning system due to dam failure because of earthquake events has not been addressed.
		* Asks for continuation of commission with DOGAMI participation, but coordinating with the Seismic Safety Policy Advisory Commission.
146	James Bela	Oregon Earthquake Awareness, President and founder, testifies in support of HB 2461.
		* reviews history of 1993 spring break earthquake in Oregon
		* notes that three weeks prior to earthquake scientists from the U. S. Geological Survey, Oregon Department of Geology and Mineral Industries, and Portland State University held press conference making public the results of an area geophysical study indicating the seismic hazard in the Portland-Vancouver area was greater than previously thought
178		* earthquakes differ from other natural disasters in a number of ways that make earthquake threat unique and deserving of our constant and single-focused attention

186		* earthquake response planning is not part of the public conscientiousness in most of Oregon
		* planning must also change the behavior of residents in areas heretofore safe from earthquakes
		* planning necessitates a body with an explicit assignment to provide long-term advocacy for seismic risk reduction activities
197		* supports abolition of the Oregon Seismic Safety Advisory Commission
		* is apparent that a truly autonomous seismic safety commission is necessary to provide a consistent, statewide seismic safety policy and a means of evaluating and coordinating the earthquake-related programs of agencies at all governmental levels
		* many different state agencies have substantial responsibility in the fields of earthquake preparedness, earthquake response planning, and hazard mitigation
		* there is pressing need to provide a consistent policy framework and a means for coordinating on a continuing basis the earthquake-related programs and budgetary resources of the major state agencies and their relationships with the private sector involved in practices important to seismic safety
229		* the need is not being addressed by any continuing state governmental organization
240	Chair Strobeck	Notes the time and asks Mr. Bela to leave his testimony with the committee.
244	Bela	Asks the committee to review California's Seismic Safety Commission: A Prototype for Managing Seismic Risk (EXHIBIT G).
255	Chair Strobeck	Adjourns meeting at 3:13 p.m.

Submitted By, Reviewed By,

Annetta Mullins, Jeri Chenelle,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2384, prepared statement, Frank Knapp, 28 pp

B - HB 2384, prepared statement, John McCulley, 2 pp

C - HB 2384, prepared statement, Mike Oswald, 4 pp

D - HB 2500, prepared statement, Jon Chandler, 1 p

E - HB 2500, prepared statement, Maur Horton, 1 p

F - HB 2461, prepared statement and commission report, William Elliott, 27 pp

G - HB 2461, "California's Seismic Safety Commission, a Prototype for Managing Seismic Risk", James Bela, 24 pp