

House Committee on Rules
April 15, 1991 - Page

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

SENATE COMMITTEE ON
RULES

April 15, 1991Hearing Room 454
12:00 p.m. Tape 12
Salem, Oregon

MEMBERS PRESENT:Sen. Frank Roberts, Chair
Sen. John Brenneman
Sen. Jane Cease
Sen. Joyce Cohen
Sen. Joan Dukes
Sen. Lenn Hannon

MEMBER ABSENT: Sen. Bill Bradbury, Vice-Chair

STAFF PRESENT: Jose Mata, Committee Administrator
Bernadette Williams, Committee Assistant

MEASURES

CONSIDERED: HCR2 - Memorializes Former Senator Glenn Huston, PAW

SB 185-A - Requires owner or operator of public access building to have affected portion inspected by licensed aSB estos inspector, PAW

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TAPE 12, SIDE A

006 CHAIR ROBERTS: Calls the meeting to order at 12:05 p.m.. Senator Bradbury has asked this committee to approve the drafting and introduction of a resolution honoring Bandon's 100th anniversary and sponsorship of the resolution. Submits and summarizes written testimony.
(EXHIBIT A)

015 MOTION: SEN. ROBERTS asked if there was objection to approval of late drafting and

introduction of the measure, thereby effectively moving that the Senate Rules Committee authorize Legislative Counsel to draft legislation relating to Bandon's 100 th anniversary and further authorize introduction of the measure as a Rules Committee bill.

VOTE: There being no objection, the motion was approved. Senator Bradbury was absent.

015 ROBERTS: Senator Cohen has asked this committee to approve the drafting and introduction of a bill relating to the creation of bonding authority under ORS 190 Agreements. Submits and summarizes written testimony. (EXHIBIT B)

MOTION: SEN. ROBERTS asked if there was objection to approval of late drafting and introduction of the measure, thereby effectively moving that the Senate Rules Committee authorize Legislative Counsel to draft legislation relating to the creation of bonding authority under ORS 190 Agreements and further authorize introduction of the measure.

VOTE: There being no objection, the motion was approved. Senator Bradbury was absent.

021 ROBERTS: Senator Timms has asked this committee to approve the drafting and introduction of a bill relating to the establishment of a Steens Mountain National Conservation Area. Submits and summarizes written testimony. (EXHIBIT C)

MOTION: SEN. ROBERTS asked if there was objection to approval of late drafting and introduction of the measure, thereby effectively moving that the Senate Rules Committee authorize Legislative Counsel to draft legislation relating to the establishment of a Steens Mountain National Conservation Area and further authorize introduction of the measure.

VOTE: There being no objection, the motion was approved. Senator Bradbury was absent.

032 ROBERTS: Senator Kerans has asked this committee to approve the drafting and introduction of a memorial in honor of Wickes Beal of Eugene and sponsorship of the memorial. Submits and summarizes written testimony. (EXHIBIT D)

MOTION: SEN. ROBERTS asked if there was objection to approval of late drafting and introduction of the measure, thereby effectively moving that the Senate Rules Committee authorize Legislative Counsel to draft legislation in honor of Wickes Beal and further authorize introduction of the measure as a Rules Committee bill.

VOTE: There being no objection, the motion was approved. Senator Bradbury was absent.

035 ROBERTS: Senator Yih has asked this committee to approve the drafting and introduction of a bill relating to the creation of a five-member task force on tuition policies. Submits and summarizes written testimony. (EXHIBIT E)

MOTION: SEN. ROBERTS asked if there was objection to approval of late drafting and introduction of the measure.

041 ROBERTS: Objection. Asks for a discussion.

043 HANNON: What is the bill?

047 BRENNEMAN: I am chief sponsor with Senator Timms on a rural health care bill, SB 607 in Trade and Economic Development, that has extensive portions devoted to scholarship and to people willing to commit their medical training to serve in an undeserved area. It will do many things that are called for here. I would open the opportunity to discuss with Senator Yih additional provisions that could be amended in SB 607.

SB 607 will be the mechanism to fund rural hospitals; a comprehensive rural health care bill.

059 ROBERTS: I am agreeable to the objectives of this bill; in fact, I proposed the same thing ten years ago and had overwhelming opposition from the Health Sciences University. I would like to consider it further and get broader input in on it.. I would just as soon postpone action on this request. Asks if committee members are in agreement. All in agreement.

067 BRENNEMAN: I would be happy to work with her in my office, as well as Senator Timms.

070 ROBERTS: Senator Larry Hill and Representative Van Vliet, co-chairs of the Joint Committee on Data Processing, has asked this committee to approve the drafting and introduction of a bill promoting the sharing of electronic communications among state agencies. Submits and summarizes written testimony. (EXHIBIT F)

MOTION: Senator Roberts asked if there was objection to approval of late drafting and introduction of the measure, thereby effectively moving that the Senate Rules Committee authorize Legislative Counsel to draft legislation promoting the sharing of electronic communications among state agencies and further authorize introduction of the measure.

VOTE: There being no objection, the motion was approved. Senator Bradbury was excused.

(Tape 12, Side A)

HCR2 - PUBLIC HEARING AND WORK SESSION

082 ROBERTS: Opens public hearing and work session on HCR2. Senator Yih had wished to testify on this, but if it wasn't necessary she asked to be excused. She would have been happy to testify if we wanted her to.

087 MOTION: SEN. ROBERTS asked if there was objection to sending HCR2 to the floor, thereby effectively moving HCR2 to the floor with a "do pass" recommendation.

VOTE: There being no objection, the motion was approved. Senator Bradbury was absent.

089 ROBERTS: Closes public hearing and work session on HCR2.

(Tape 12, Side A)

SB 185-A - PUBLIC HEARING AND WORK SESSION

Witnesses: John Loewy, Department of Environmental Quality

Gordon Fultz, Association of Oregon Counties

Fred Neal, Multnomah County Intergovernmental Relations

089 ROBERTS: Opens public hearing and work session on SB 185-A.

098 COHEN: SB 185-A came out of Agriculture and Natural Resources Committee; subsequent referral.

101 ROBERTS: It has a subsequent referral to this committee because it has implications for local cost.

107 CEASE: The measure analysis says it also has a subsequent referral to Ways and Means.

108 ROBERTS: That is correct.

122 JOHN LOEWY, DEPARTMENT OF ENVIRONMENTAL QUALITY:
Submits and summarizes written testimony on SB 185-A. (EXHIBIT G)

173 ROBERTS: The local jurisdictions do not have to undertake the responsibility of actually supplying inspectors?

176 LOEWY: That is correct. They could hire an inspector from the private sector.

178 ROBERTS: Would they have to hire them or would they merely require that before a building was worked on, that it had to be inspected on by a licensed inspector?

181 LOEWY: I'm not sure I understand.

182 COHEN: There is a basic misunderstanding. This is for their own programs, buildings and their own renovations, correct?

184 LOEWY: That is correct.

185 COHEN: The other parts of SB 185-A is not to go in and inspect a private developer or an apartment house.

191 ROBERTS: What is the significance of the use of the term "public access building", which means all or part of any public or private buildings, structures, installations constructed before January 1, 1985 that is or may be occupied, frequented or visited by the public?

194 LOEWY: In the context of this legislation and the reason there is a cost to local government is that some of those buildings may well be owned by local governments. It applies to buildings which are privately owned; in fact, it applies primarily to privately owned buildings.

199 ROBERTS: It does apply to privately owned buildings?

200 COHEN: Yes, but the locals are not going to be out there inspecting those private buildings. The private person would have to be responsible for contracting their own licensed inspector. It could be someone from the AGC or wherever. The bill doesn't include local government to go out and do a building inspection program in the same way we do when we put up new programs, this is just for their own remedy.

207 LOEWY: That is correct.

208 ROBERTS: Could the private owner, who has to have the property inspected, hire a private licensed person or could they go to the city or county and pay the fee to use one of their inspectors?

215 LOEWY: SB 185-A requires that the private sector/individual have it inspected by a licensed inspector. If the local government were to offer those services for a fee to private sector persons, certainly that would be acceptable.

220 ROBERTS: The kinds of buildings that are excluded from SB 185-A are residential facilities. There is a list of them on Section 5, Subsection 12 of SB 185-A.

229 LOEWY: If the local government owned one of those exempted buildings, then that would also be exempted in terms of the local government's responsibility. The issue is the type of building that is included.

240 ROBERTS: Under the provisions of SB 185-A, it seems to apply to any "public access building". It has nothing to do with who owns it, whether it is a local government or private individual?

246 LOEWY: That is correct.

246 DUKES: Under SB 185-A, cities and counties could go out and hire a private inspector to do the work?

249 LOEWY: That is correct.

257 GORDON FULTZ, ASSOCIATION OF OREGON COUNTIES:

We are not opposed to the provisions of SB 185-A, but concerned about the financial impact on local government. We would agree with the estimate provided by DEQ (see Exhibit G). That figure comes by requiring counties to use our own inspectors, which we would tend to do and which has a training cost associated with it. Or there is a contract cost when we are required to go out and hire the services.

We appreciate the DEQ looking into the possibility of EPA financing. I doubt we will use our inspectors for doing private inspections because this is not coming through the building codes agency and for liability sakes.

278 ROBERTS: And the cost to any given entity of local government would be for one inspector be \$500.00 for the training?

280 FULTZ: Yes, we tend to agree with that estimate. That doesn't mean that any county or city would have to have a full time person either.

284 FRED NEAL, MULTNOMAH COUNTY INTERGOVERNMENTAL RELATIONS:

The amendments to SB 185-A in the first committee satisfied Multnomah County's concern that it is intensive and aggressive program of aSB estos inspection be grandfathered; Section 13 does that. Any remaining concerns, DEQ staff assures the County that they have no intention of initiating a fee for the inspections themselves, especially if they are done by an in-house county employee.

314 ROBERTS: This will probably go to Ways and Means because it would require an expenditure limitation increase of less than \$60,000.

Asks if anyone objects passing this out of committee.

319 HANNON: Objects.

321 MOTION: SEN. ROBERTS moved SB 185-A to the Ways and Means Committee with a "do pass" recommendation.

VOTE: In a roll call vote, the motion carried with Senators Brenneman and Hannon voting NAY. Senator Bradbury was absent.

332 ROBERTS: Adjourns the meeting at 12:35 p.m..

Submitted by: Reviewed by:

Bernadette Williams Jose Mata
Assistant Administrator

EXHIBIT LOG:

A - Late Measure Request - Sen. Bradbury - 4 pages
B - Late Measure Request - Sen. Cohen - 5 pages
C - Late Measure Request - Sen. Timms - 3 pages
D - Late Measure Request - Sen. Kerans - 1 page
E-Late Measure Request - Sen. Yih - 1 page
F-Late Measure Request - Sen. L. Hill & Rep. Van Vliet - 4 pages
G-Testimony on SB 185-A - John Loewy, DEQ - 7 pages