

HOUSE COMMITTEE ON LAND USE

May 23, 2005 Hearing Room 50

1:30 P.M. Tapes 102 - 103

MEMBERS PRESENT: Rep. Bill Garrard, Chair

Rep. Gordon Anderson, Vice-Chair

Rep. Mitch Greenlick, Vice-Chair

Rep. Robert Ackerman

Rep. Mary Nolan

Rep. Patti Smith

Rep. Mac Sumner

STAFF PRESENT: Sam Litke, Committee Administrator

Lindsay Luckey, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3483 – Public Hearing and Work Session

HB 3084 - Work Session

SB 346A – Work Session

LC Draft request – 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
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TAPE 102, A

003	Chair Garrard	Calls the meeting to order at 1:41 p.m. and opens a public hearing on HB 3483.
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HB 3483 – PUBLIC HEARING

010	Don Schellenberg	Oregon Farm Bureau.
	Sam Litke	Committee Administrator. Explains the provisions of HB 3483. Introduces the -1 amendments (EXHIBIT A).
025	Schellenberg	Submits written testimony explaining and in support of HB 3483-1 (EXHIBIT B). Reviews history of HB 3483 as HB 2100.
048	Dave Hunnicutt	Oregonians in Action. Speaks in support of HB 3483. Notes he abstained from speaking on HB 2100 due to constitutionality concerns and the -1 amendments address those concerns.
047	Liz Frenkel	League of Women's Voter of Oregon. Reads a prepared statement in opposition to HB 3483, HB 2100 and HB 3474. Raises concerns about lack of citizen involvement, the proposed boundaries of regions and the fiscal impact (EXHIBIT H).
	Chair Garrard	Closes the public hearing on HB 3483 and opens a work session on HB 3483.

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HB 3483 – WORK SESSION

105	Rep. Greenlick	Asks about the status of the bill which proposes a 30-year review of the Land Conservation and Development Commission and statewide land use planning.
	Chair Garrard	Notes this is SB 82.
	Rep. Greenlick	Asks about the status of SB 82.

Litke Reports he does not know.

Rep. Greenlick Asserts that HB 3483 is a “band-aid” for the larger problem which would be addressed more comprehensively by SB 82.

Chair Garrard Notes uncertainty in the movement of other legislation in the Senate.

137 **Rep. Anderson** **MOTION: Moves to ADOPT HB 3483-1 amendments dated 5/23/05.**

VOTE: 7-0-0

Chair Garrard **Hearing no objection, declares the motion CARRIED.**

145 **Rep. Anderson** **MOTION: Moves HB 3483A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Budget by prior reference.**

154 Rep. Nolan Discusses her concern about HB 3483 and would like to move forward on a bill that advances a look at statewide land use planning.

VOTE: 5-2-0

AYE: 5 - Ackerman, Anderson, Smith P., Sumner, Garrard

NAY: 2 - Greenlick, Nolan

Chair Garrard **The motion CARRIES.**

Chair Garrard Closes the work session on HB 3483 and opens a work session on HB 3084.

HB 3084 – WORK SESSION

192 Sam Litke Committee Administrator. Reviews committee action on HB 3084 and adoption of -5 amendment (**EXHIBIT C**). Introduces -6 amendments (**EXHIBIT D**), -7 amendments (**EXHIBIT E**), -8 amendments (**EXHIBIT F**), and the -9 amendments (**EXHIBIT G**).

217 Rep. Avakian

HD 34. Encourages acceptance of the -6 amendments and explains their provisions.

- 124 Rep. Anderson Asks if the -6 amendments replace the -5 amendments.
- Rep. Avakian Responds affirmatively.
- 244 Ken Stroebeck League of Oregon Cities. Encourages the committee not to pass the bill but to use SB 887 as the vehicle to address the annexation controversy and explains his reasoning. Outlines provisions and explains why he does not support HB 3084.
- 304 Rep. Greenlick Notes one alternative is to pass SB 887 but notes the absence of a lack of consequence if a solution is not reached and wonders if the League could support a deletion of ORS 222.750 to add pressure to find a solution.
- Stroebeck Gives their commitment to finding a solution and does not support Rep. Greenlick's suggestion.
- 350 Rep. Ackerman Questions Rep. Avakian on Section 2 and its relation to the -6 amendments.
- Rep. Avakian Elaborates on the provisions in Sections 1 and 2. Relays the narrow focus of the bill and his support of an interim committee.

TAPE 103, A

- Rep. Ackerman Asks for clarification if "proposal for annexation" is a legal definition.
- Rep. Avakian Responds he does not know.
- 007 Rep. Ackerman Asks about the amendments effect on Nike.
- Rep. Avakian Explains that Nike could not be annexed under certain circumstances.
- Rep. Ackerman Verifies that Nike could be annexed by island annexation.
- Rep. Avakian Responds that they could be under certain circumstances.

	Rep. Ackerman	Raises concern that the type of annexation is not specified when defined “specified annexation”.
018	Rep. Avakian	Understands but does not share the concern.
	Rep. Nolan	Verifies that the amendments apply to any annexation that has not been consummated by ordinance as of the effective date of the act.
	Rep. Avakian	Agrees.
	Rep. Nolan	Asserts that the Nike annexation would not be allowed to proceed under Section 1(3)(c).
	Rep. Avakian	Reviews the section and agrees.
050	Rep. Nolan	Comments that the amendments close the loophole appropriately without crippling cities’ abilities to provide services. Gives her support.
	Rep. Avakian	References continued conversations with League of Oregon Cities.
	Rep. Nolan	Notes this bill does not preclude forming an interim task force.
077	Rep. Greenlick	Suggests passing HB 3084 -5 out of the committee.
095	Chair Garrard	Relays they will not pass HB 3084 out today. Closes the work session on HB 3084 and opens a work session on SB 346A.

SB 346A – WORK SESSION

120	Sam Litke	Committee Administrator. Reviews previous discussion on the bill. Introduces –A3 amendments (EXHIBIT I) and the -A4 amendments (EXHIBIT J).
	Joe Rohleder	Oregon Aquaculture Association. Discusses the amendments and urges support of SB 346A with the –A4 amendments.
145	Anne K. Rystrom	Oregon Aquaculture Association. Submits and summarizes written testimony in support of SB 346A without amendments (EXHIBIT K).

160	Joe Rohleder	Relays that the governor wanted to clarify that they are referring to three species; aquatic, bird, and animal.
	Rep. Nolan	Asks if this clarification is reflected in the amendments or if they need to add something.
	Rohleder	Relays his understanding that Legislative Counsel (LC) can make grammatical fixes during printing.
	Rep. Nolan	Comments LC cannot if the meaning is changed.
	Rohleder	States it was clearly the legislative intent to be discussing three separate species.
190	Rep. Greenlick	Comments that it is clear as written.
	Rep. Nolan	Asks if there has been any information from the revenue office on potential positive impacts.
212	Rohleder	Responds that there has not been any analysis yet but they hope to in the future.
222	Rystrom	Adds a statistic from her written testimony.
	Litke	Reports that LC is comfortable with the amendment as written.
230	Rep. Greenlick	MOTION: Moves to ADOPT SB 346A-A4 amendments dated 5/19/05.
		VOTE: 7-0-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Garrard	The motion CARRIES.
235	Rep. Greenlick	MOTION: Moves SB 346B to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Garrard The motion CARRIES.

REP. GREENLICK will lead discussion on the floor.

Chair Garrard Closes the work session on SB 346A and opens a work session on committee LC Draft requests.

LC DRAFT REQUEST – WORK SESSION

Rep. Greenlick **MOTION: Moves the committee request an LC draft the language of which is currently contained in SB 82 for consideration as a committee bill.**

VOTE: 7-0-0

320 **Chair Garrard Hearing no objection, declares the motion CARRIED.**

Chair Garrard Makes announcements on future action.

Rep. Ackerman Asks about meetings left.

Chair Garrard Makes announcements.

Rep. Ackerman Relays concern with the timeline.

Chair Garrard Discusses future intentions.

362 Rep. Nolan Encourages a public hearing on Measure 37 related legislation.

Chair Garrard Agrees and makes announcements.

Chair Garrard Adjourns the meeting at 2:35 p.m.

EXHIBIT SUMMARY

- A. **HB 3483, -1 amendments, Don Schellenberg, 3 pp**
- B. **HB 3483, written testimony, Don Schellenberg, 2 pp**
- C. **HB 3084, -5 amendments, Rep. Avakian, 2 pp**
- D. **HB 3084, -6 amendments, Rep. Avakian, 2 pp**
- E. **HB 3084, -7 amendments, Rep. Avakian, 1 p**
- F. **HB 3084, -8 amendments, Rep. Avakian, 2 pp**
- G. **HB 3084, -9 amendments, Rep. Avakian, 2 pp**
- H. **HB 3483, written testimony, Liz Frenkel, 1 p**
 - I. **SB 346A, -A3 amendments, Joe Rohleder, 1 p**
 - J. **SB 346A, -A4 amendments, Joe Rohleder, 1 p**
- K. **SB 346A, written testimony, Anne K. Rystrom, 2 pp**