

SENATE COMMITTEE ON RULES

July 19, 2005
1:00 P.M.

Hearing Room B
Tapes 169 - 171

Corrected 10/28/05

MEMBERS PRESENT: **Sen. Kate Brown, Chair**
 Sen. Ted Ferrioli, Vice-Chair
 Sen. Jason Atkinson
 Sen. Charlie Ringo
 Sen. Frank Shields

STAFF PRESENT: **Tiffany Harris, Committee Administrator**
 Katie Lowry, Committee Assistant

MEASURE/ISSUES HEARD:
 SB 1094 - Public Hearing
 HB 3117 - Work Session
 HB 2130A - Work Session
 HB 2265B - Work Session
 SB 1096 - Public Hearing
 HB 3240A - Public Hearing
 HB 2181B - Public Hearing
 HB 3349 - 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 169, A		
005	Chair Brown	Calls the meeting to order at 1:04 p.m. and opens a public hearing on SB 1094. Notes the committee is officially meeting as a sub-committee.
<u>SB 1094 - PUBLIC HEARING</u>		
008	Sen. David Nelson	Senate District 29. Testifies in support of SB 1094.
034	Chair Brown	Notes the committee is now meeting as a full committee.
035	Lisa Mittelsdorf	Port of Morrow. Testifies in support of SB 1094.
058	Billie G. Morris	Director, Chamber of Commerce, City of Boardman. Testifies in support of SB 1094.
073	Terry Tallman	Judge, Morrow County. Testifies in support of SB 1094.
103	Chair Brown	States that she thought we had already lost the bid to Washington. Asks if that is not the case.
106	Mittelsdorf	Replies that is not the case. Explains in detail.
112	Tallman	Asks about ISC.
113	Mittelsdorf	Replies International Speedway Corporation.
114	Sen. Ringo	Wonders about the hurdles faced in this project if legislation is not passed. Explains his understanding is that a land use application was made and the Land Conservation and Development Commission (LCDC) did not approve part of that

		application. Asks witness for clarification.
119	Mittelsdorf	Confirms that LCDC did not approve part of that application. Details the restrictions that were placed on the project.
123	Sen. Ringo	Asks what caused LCDC to place those limitations on the project.
124	Mittelsdorf	Replies it is outside of a city.
125	Sen. Ringo	Wonders if it was because of a land use goal.
126	Mittelsdorf	Explains they had to go through a goal exception process.
127	Sen. Ringo	Verifies that LCDC did not approve that.
128	Mittelsdorf	Replies correct. Continues explaining limitations on the project.
135	Sen. Ringo	Asks if witness believes these limitations essentially kill the deal in Morrow County.
136	Mittelsdorf	Explains the developer is saying it is now very difficult to put a deal together with these limitations.
137	Sen. Ringo	Wonders about the dollar amount of development that might occur if this goes forward. States he has heard big numbers.
140	Mittelsdorf	Replies it is big numbers depending on the size of the project. Estimates 100 million to 250 million dollars.
142	Sen. Ringo	States that is the initial development. Wonders if the track would be in use 52 weeks a year.
144	Mittelsdorf	Responds.
152	Chair Brown	Refers to the controversy with expanding the North Bend Airport. Wonders if the Pendleton Airport will need expansion due to the traffic the speedway will bring in.
158	Mittelsdorf	Believes the Pendleton Airport would love to have additional traffic based on this speedway. Discusses airport on site.
170	F.E. Glenn	Mayor, City of Boardman. Testifies in support of SB 1094.
202	Rep. Greg Smith	House District 57. Discusses conversations he had with Lane Shetterly, Director, Department of Land Conservation and Development. Testifies in support of SB 1094.
252	Sen. Shields	Wonders about the risk of this investment.
258	Glenn	Discusses the risks involved with SB 1094.
288	Rep. G. Smith	Points out that risks are involved with any economic investment. Provides an example. Discusses management of risks.

The following prepared testimony is submitted for the record without public testimony:

	Monte Grove	Highway Division, Oregon Department of Transportation. Submits written testimony regarding SB 1094 (EXHIBIT A).
	Bob Rindy	Department of Land Conservation and Development. Submits written testimony on behalf of Lane Shetterly regarding SB 1094 (EXHIBIT B).
307	Chair Brown	Closes the public hearing on SB 1094 and opens a work session on HB 3117.

HB 3117 - WORK SESSION

310	Tiffany Harris	Committee Administrator. Provides an overview of HB 3117.
322	Rep. Billy Dalto	House District 21. Expresses support for HB 3117.
324	Greg Olson	Marion County Sheriff's Office. Expresses support for HB 3117.
330	Chair Brown	MOTION: Moves HB 3117 to the floor with a DO PASS recommendation.
332		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. PRESIDENT COURTNEY will lead discussion on the floor.
336	Chair Brown	Closes the work session on HB 3117 and opens a work session on HB 2130A.

HB 2130A - WORK SESSION

340 Tiffany Harris
350 Chair Brown

Committee Administrator. Provides an overview of HB 2130A.
MOTION: Moves HB 2130A to the floor with a DO PASS recommendation.

360

Chair Brown

VOTE: 4-1-0
AYE: 4 – Ferrioli, Ringo, Shields, Brown
NAY: 1 - Atkinson
The motion CARRIES.

362 Chair Brown

SEN. RINGO will lead discussion on the floor.
Closes the work session on HB 2130A and opens a work session on HB 2265B.

HB 2265B - WORK SESSION

Tiffany Harris

Committee Administrator. Submits the –B6 amendments (**EXHIBIT C**), and the –B8 amendments (**EXHIBIT D**) to HB 2265B.

365 Chair Brown
370 Sen. Brown

Makes comments regarding HB 2265B.
MOTION: Moves HB 2265B to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Budget.

373 Sen. Ferrioli
375 Chair Brown

States he would like to move this bill with an amendment.
Replies no. States Sen. Ferrioli can make a motion for an amendment.

376 Chair Brown
378 Sen. Ferrioli

Withdraws motion.
MOTION: Moves to ADOPT HB 2265-B8 amendments dated 07/08/05.

382 Sen. Ferrioli
TAPE 170, A
009 Chair Brown

Discusses the -B8 amendments.

010 Sen. Shields

States she has not had an opportunity to review the amendments. Explains she has been given orders to send this bill to Senate Budget so they can address some of these issues.
Verifies that Sen. Ferrioli is moving an amendment that he hasn't yet had a chance to look at.

011 Chair Brown
018

Replies yes. States she is opposing the motion.
VOTE: 2-3-0

Chair Brown
019 Chair Brown

AYE: 2 - Atkinson, Ferrioli
NAY: 3 – Ringo, Shields, Brown
The motion FAILS.

020 Sen. Ferrioli
021 Chair Brown

MOTION: Moves HB 2265B to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Budget.

025

Chair Brown

Believes there is an opportunity to add a minority report.
Believes that is not true because the bill is being referred to the Senate Budget Committee and the motion made is without recommendation.

026 Chair Brown

VOTE: 3-2-0
AYE: 3 - Ringo, Shields, Brown
NAY: 2 - Atkinson, Ferrioli
The motion CARRIES.

Closes the work session on HB 2265B and opens a public hearing on SB 1096.

SB 1096 - PUBLIC HEARING

028 Tiffany Harris

Committee Administrator. Provides an overview of SB 1096. Submits the -1 amendments (**EXHIBIT E**).

032	Sen. Laurie Monnes-Anderson	Senate District 25. Testifies in support of SB 1096.
066	Rep. John Lim	House District 50. Testifies in support of SB 1096.
093	Chair Brown	Recesses the public hearing on SB 1096 and opens a public hearing on HB 3240A.

HB 3240A - PUBLIC HEARING

097	Tiffany Harris	Committee Administrator. Provides an overview of HB 3240A.
101	Rep Kim Thatcher	House District 25. Explains HB 3240A.
107	Chair Brown	Recesses the public hearing on HB 3240A and re-opens the public hearing on SB 1096.

SB 1096 - PUBLIC HEARING

116	Maria Rojo de Steffey	Multnomah County Commissioner. Provides background information on this issue. Testifies in opposition to SB 1096.
191	David Fuller	Mayor, Wood Village. Testifies in opposition to SB 1096. Submits proposed amendments to SB 1096 (EXHIBIT F).
242	Mike Weatherby	Mayor, Fairview. Testifies in opposition to SB 1096.
265	Paul Thalhofer	Mayor, Troutdale. Testifies in opposition to SB 1096.
319	Chair Brown	Makes comments regarding her district.
321	Thalhofer	Continues testimony on SB 1096.
372	Chair Brown	States this bill will not be moved today.
378	Shane Bemis	City of Gresham Council President. Submits and summarizes written testimony in support of SB 1096 (EXHIBIT G).

TAPE 169, B

001	Bemis	Continues testimony.
017	Kathy Everett	Executive Director, Gresham Downtown Development Association. Provides background information on the Gresham Downtown Development Association. Testifies in support of SB 1096.
042	Dave Shields	Gresham Chamber of Commerce. Testifies in support of SB 1096.
086	Sen. Ringo	Asks witness to comment on lane miles versus line miles.
088	Bemis	Suggests that the main objection of the three cities is using center line miles. Discusses lane miles.
093	Sen. Ringo	Points out that the previous witnesses emphasized that was the disagreement.
095	Bemis	Discusses current negotiations with Multnomah County.
102	Sen. Ringo	States he didn't quite follow that. Suggests that witness said he believes the difference was not very significant.
103	Bemis	Explains the difference in revenue from what Multnomah County is currently negotiating with the City of Gresham is almost identical to lane miles.
107	Sen. Ringo	Points out that the previous witnesses testified that SB 1096 uses the term lane miles and everywhere else it is calculated in terms of center line miles. Wonders if that is accurate.
109	Shields	Responds.
115	Sen. Ferrioli	Points out that nobody is arguing the road transfer should take place. Believes the disagreement is over the standard on which the funding mechanism is based. Discusses transfers. Wonders why there shouldn't be one standard that is agreed upon.
126	Shields	Agrees. Discusses parity and equity with regards to standards.
142	Sen. Ferrioli	Wonders if witness would oppose the transfer if center line mile was established as the standard.
145	Shields	States they would not oppose it as long as it is equitable to everyone.

149	Chair Brown	Makes comments regarding today's amendments.
156	Sen. Ringo	Asks clarification regarding today's agenda.
157	Chair Brown	Provides clarification.
159	Sen. Shields	Wonders about the difference between center line miles and lane miles. Points out a discrepancy.
170	Vice-Chair Ferrioli	Mentions that Mr. Bemis pointed out that there was only \$100,000 difference in the road maintenance distribution. States he got a strong sense from other testimony that that is not the case. Agrees that wider roads cost more to maintain. Wonders why the City of Gresham wants them. Remarks on testimony.
184	Shields	Responds to comments that taking over the roads will create a lot of economic benefits for the City of Gresham.
199	Vice-Chair Ferrioli	Believes there is a consensus with the transfer of the roads. States the question is the revenue that comes with it.
201	Shields	Reiterates request for parity.
206	Sen. Ferrioli	Asks Commissioner Rojo de Steffey to respond to testimony regarding \$100,000 difference between using center line miles and lane miles.
210	Rojo de Steffey	Introduces Rob Fussell.
215	Rob Fussell	Chief of Staff for County Chair, Multnomah County. Discusses using center line miles versus lane miles.
243	Sen. Ferrioli	Verifies that center line miles are the standard of parity.
244	Rojo de Steffey	Confirms that center line miles are the standard. Understands that center line miles are about 13 percent of funding whereas lane miles take about 24 percent of funding. Reiterates belief that the right thing to do is to transfer the roads to the City of Gresham. Discusses current negotiations.
264	Sen. Ferrioli	Wonders what the progress of the negotiations would be if SB 1096 was not passed.
269	Rojo de Steffey	Explains they are committed to a resolution. Expresses certainty that this will happen.
285	Ralph Groener	AFSCME. States he is representing Ken Allen. Testifies in opposition to SB 1096. Submits proposed amendments (EXHIBIT H) .
338	Groener	Discusses center line and lane miles.
389	Bill Penhollow	Association of Oregon Counties. Makes clarification.
409	Groener	Thanks Mr. Penhollow. Continues testimony regarding SB 1096.
TAPE 170, B		
003	Vice-Chair Ferrioli	Asks if there is a standard that can be identified with regards to revenue sharing agreements.
006	Penhollow	Responds.
049	Sen. Ringo	Makes comments.
051	Vice-Chair Ferrioli	Provides clarification regarding amendments.
064	Vice-Chair Ferrioli	Closes the public hearing on SB 1096 and opens a public hearing on HB 2181B.
<u>HB 2181B - PUBLIC HEARING</u>		
069	Tiffany Harris	Committee Administrator. Provides an overview of HB 2181B.
075	Mark Long	Administrator, State Building Codes. Testifies in support of HB 2181B. Submits written testimony (EXHIBIT I) .
092	Vice-Chair Ferrioli	Wonders if there are any amendments to HB 2181B.
094	Harris	Replies not at this time.
096	Vice-Chair Ferrioli	Believes Chair Brown will schedule a work session soon.
097	Harris	States there are some conflicts that were identified by Legislative

100	Vice-Chair Ferrioli	Counsel. States there will be conflict amendments. Closes the public hearing on HB 2181B and opens a public hearing on HB 3240A.
<u>HB 3240A - PUBLIC HEARING</u>		
101	Tiffany Harris	Committee Administrator. Provides an overview of HB 3240A.
110	Davis Dyer	Resident, Keizer. Testifies in support of HB 3240A.
161	Vice-Chair Ferrioli	Verifies that the organizations would need to be categorized as 501(c) (3) organizations.
162	Dyer	Replies yes.
163	Tricia Smith	Oregon School Employees Association. Testifies in support of HB 3240A.
183	Jessica Stevens	SEIU. Expresses concerns regarding HB 3240A.
209	Vice-Chair Ferrioli	States he has an excerpt from ORS 65.001 which defines public benefit corporation. Explains there is a specific prohibition against including religious corporation within the definition. Explains religious corporations do not fall under the definition of public benefit corporation.
214	Stevens	Replies the definition of corporation sole, found in ORS 65.067 is proactively included in the definition of public benefit corporation.
217	Sen. Ringo	Asks for her to repeat statement.
218	Stevens	Repeats statement.
219	Sen. Ringo	Clarifies that witness said corporation sole.
220	Stevens	Replies yes. States it is a form of a religious corporation.
225	Vice-Chair Ferrioli	Believes there is a question regarding definitions.
234	Dyer	Responds to concerns raised by previous witness.
267	Vice-Chair Ferrioli	Closes the public hearing on HB 3240A and opens a public hearing on HB 3349.

HB 3349 – PUBLIC HEARING

273	Tiffany Harris	Committee Administrator. Provides an overview of HB 3349. Submits the -1 amendments (EXHIBIT J) and the -6 amendments (EXHIBIT K) to HB 3349.
310	Matt Minahan	Oregon Pyrotechnics Association. Testifies in support of HB 3349 with the -1 amendments.
334	Vice-Chair Ferrioli	Verifies the -1 amendments allow storage of pyrotechnical materials in existing locations where they are currently stored on lands zoned exclusive farm use (EFU).
338	Minahan	Discusses difference between fireworks and explosive materials in the ORS.
346	Vice-Chair Ferrioli	Points out there are agricultural uses for black powder and dynamite.
347	Minahan	Replies yes. Explains.
353	Bill Zuber	Owns Christmas Tree Farm, Clackamas County. Testifies in support of HB 3349 with the -1 amendments. Comments on SB 667 (2003).
391	Laura Borders	Resident, Clackamas County. Certified pyrotechnician. Discusses safety issues.

TAPE 171, A

001	Borders	Continues discussing safety issues.
019	Vice-Chair Ferrioli	Mentions the -6 amendments.
025	Don Schellenberg	Oregon Farm Bureau. Explains the purpose of the original bill. Comments on the -7 amendments. Urges committee to pass the original bill. Submits written testimony (EXHIBIT L).
048	Vice-Chair Ferrioli	Verifies the record should show that the witness would like the

		committee to move HB 3349 to the floor without any amendments.
049	Schellenberg	Confirms.
	The following material is submitted for the record without public testimony:	
	Daniel Tanner	Resident, Pleasant Hill. Submits written testimony in support of HB 3349 with the -1 amendments (EXHIBIT M).
	Cherrill Clifford	Resident, Springfield. Submits written testimony regarding HB 3349 (EXHIBIT N).
050	Vice-Chair Ferrioli	Makes comments. Closes the public hearing on HB 3349 and adjourns the meeting at 3:04 p.m.

EXHIBIT SUMMARY

- A. SB 1094, written testimony, Monte Grove, 2 pp
- B. SB 1094, written testimony of Lane Shetterly, Bob Rindy, 2 pp
- C. HB 2265B, -B6 amendments, staff, 45 pp
- D. HB 2265B, B8 amendments, staff, 46 pp
- E. SB 1096, -1 amendments, staff, 2 pp
- F. SB 1096, proposed amendments, David Fuller, 1 p
- G. SB 1096, written testimony, Shane Bemis, 1 p
- H. SB 1096, proposed amendments, Ralph Groener, 1 p
- I. HB 2181B, written testimony, Mark Long, 1 p
- J. HB 3349, -1 amendments, staff, 35 pp
- K. HB 3349, -6 amendments, staff, 10 pp
- L. HB 3349, written testimony, Don Schellenberg, 1 p
- M. HB 3349, written testimony, Daniel Tanner, 1 p
- N. HB 3349, written testimony, Cherrill Clifford, 1 p