

**HOUSE COMMITTEE ON**  
**ENVIRONMENT AND LAND USE**

March 20, 2003 Hearing Room HR E  
8:30 AM Tapes 39 - 40

**MEMBERS PRESENT:**       Rep. Bill Garrard, Chair  
                                  Rep. Dennis Richardson, Vice-Chair  
                                  Rep. Cliff Zauner, Vice-Chair  
                                  Rep. Robert Ackerman  
                                  Rep. Dan Doyle  
                                  Rep. Mitch Greenlick  
                                  Rep. Diane Rosenbaum

**STAFF PRESENT:**         Ray Kelly, Committee Administrator  
                                  David Peffley, Committee Assistant

**MEASURES HEARD:**         HB 2673 – Public Hearing  
                                  HB 3176 – Public Hearing  
                                  HM 1 – Work Session  
                                  HB 2674 – Public Hearing  
                                  HB 2644 – Public Hearing

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 39, A</b>		
003	Chair Garrard	Calls the meeting to order at 8:38 and opens a public hearing on HB 2673.
<b><u>HB 2673 - PUBLIC HEARING</u></b>		
016	Rep. Hass	Submits <b>(EXHIBIT A)</b> and testifies in favor of HB 2673 in order to require public officials to disclose potential conflicts of interest and use the "reasonable person" test when making land use decisions.
052	Rep. Max Williams	One of the chief sponsors of HB 2673, affirms Rep. Hass' support of HB 2673. Submits <b>(EXHIBIT B)</b> – the staff measure summary of the related HB 3908 from last session - the 71 <sup>st</sup> Legislative Assembly.
087	Rep. Ackerman	Asks if the conflict of interest is defined in ORS 197.
093	Rep. Williams	Addresses conflict of interest as defined by the statute.
100	Rep. Zauner	Asks if those declaring a conflict of interest may vote.
103	Rep. Williams	Points out Section 4 of HB 2673 and notes the allowances provided for.
120	Chair Garrard	Asks about a potential conflict of interest and whether this bill addresses that situation.
130	Rep. Williams	Points out Page 2, Section 4 and addresses Chair Garrard's concern about what is covered by the bill.
138	Rep. Rosenbaum	Asks if this bill would lead people to declare conflicts of interest

150	Rep. Williams	when there's merely a grey area and bog down the process.
180	Rep. Rosenbaum	Replies with clarifying who must declare a conflict.
191	Rep. Hass	Asks about current law and what must be declared as a conflict.
		Adds that this bill has evolved and simplified from it's original form.
198	Rep. Greenlick	Asks about the legal definition of the reasonable person clause.
214	Rep. Williams	Addresses the reasonable person concept and admits to its vagueness.
244	Chair Garrard	Addresses fiscal impact and notes that it is not necessary to send this legislation to Ways and Means.
250	Randy Tucker	Legislative Affairs Director, 1000 Friends of Oregon. Submits <b>(EXHIBIT C)</b> and testifies in favor of HB 2673, as it would improve public confidence in the fairness and impartiality of public officials.
315	Rep. Doyle	States concern with HB 2673 due to its narrow focus.
322	Tucker	Speaks to the focus and the intent of the bill.
348	Rep. Doyle	Reaffirms his concern and suggests that the focus of the bill should be broadened.
360	Tucker	States that 1000 Friends are not against widening the statute, but adds that they would then be encroaching on other areas that 1000 Friends do not deal with.
368	Rep. Ackerman	Returns to the issue of conflict of interests, and notes that actual or apparent conflict of interest is not defined. Asks how this relates to ORS Chapter 244.
385	Tucker	States that 1000 Friends attempted to reconcile Chapter 244's concern with this bill.
420	Rep. Ackerman	States concern with the lack of definition.
<b>TAPE 40, A</b>		
001	Tucker	States that this is an attempt to clarify that area and addresses the reasonable person clause in the clarification process.
016	Rep. Ackerman	Asks if the bill is trying to accomplish too much and also asks about the fiscal impact.
025	Tucker	Restates the intent of HB 2673 and notes asserts that this bill will simplify the process. States inability to assess the fiscal impact at this time.
040	Rep. Richardson	States that he would like to see language which would define parameters in HB 2673.
051	Tucker	States that Page 1 does address the business relationship.
060	Linda Ludwig	Submits <b>(EXHIBIT D)</b> the Oregon Government Standards and Practices Laws and testifies in opposition to HB 2673, and lists concerns with the legislation. Adds that there is no pressing need for this bill and concludes that it is very confusing.
121	Rep. Greenlick	Refers to Exhibit D and notes that HB 2673 seems to contradict it.
129	Ludwig	Affirms that Chapter 244 is violated by this bill.
139	Chair Garrard	Recesses the public hearing on HB 2673 and opens a Public hearing on HB 3176.

**HB 3176 – PUBLIC HEARING**

142	Ray Kelly	Summarizes HB 3176.
151	Rep. Wayne Scott	Sponsor of HB 3176 introduces the bill and states its applicability to economic development.
191	Rep. Rosenbaum	Asks about the various bills on industrial lands and asks if Rep. Scott was involved in the previous work group.
199	Rep. Scott	States that he was not.

203 Rep. Ackerman Asks why jurisdiction does not belong to cities and counties and why we're imposing further bureaucracy on this process.

214 Rep. Scott Replies to Rep. Ackerman's concerns.

227 Rep. Ackerman Asks if the mandate would bog down the system in bureaucracy and asks if there is a fiscal impact.

232 Rep. Scott Asserts that HB 3176 would help expedite the process and adds that he doesn't know about the fiscal impact.

240 Rep. Greenlick Asks how this bill affects Metro.

245 Rep. Scott States that this would not change much.

252 Chair Garrard Recesses the public hearing on HB 3176 and opens a work session on HM 1.

**HM 1 – WORK SESSION**

261 Rep. Richardson Submits **(EXHIBIT E)** and **(EXHIBIT F)** the -1 amendments to HM 1 Clarifies the effect of the amendments.

**290 Rep. Zauner MOTION: Moves to ADOPT HM 1-1 amendments dated 3/14/03.**

**295 VOTE: 7-0**

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

**300 Rep. Zauner MOTION: Moves HM 1 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**

305 Rep. Ackerman States opposition to HM 1, not knowing the federal position on the measure. Feels that he needs more information and to hear from adversarial opinions.

332 Rep. Richardson States that he understands Rep. Ackerman's position.

350 Rep. Ackerman Addresses the adversarial process and restates his position.

380 Doug Myers Waterwatch. Submits **(EXHIBIT G)** and testifies in opposition to HM 1 as unnecessary and costly to taxpayers.

**TAPE 39, B**

002 Rep. Richardson Informs Myers of the hydroelectric and flood reduction properties of the dam.

**017 VOTE: 5-2**

**AYE: 5 - Doyle, Greenlick, Richardson, Zauner, Garrard**

**NAY: 2 - Ackerman, Rosenbaum**

**026 Chair Garrard The motion CARRIES.**

**017 Chair Garrard REP. RICHARDSON will lead discussion on the floor.**

Closes the work session on HM 1, and reopens a public hearing on HB 2673

**HB 2673 – PUBLIC HEARING**

033 Jon Chandler Oregon Building Industry Association. Supplies neutral informational testimony and notes that the proponents have addressed their previous concerns.

057 Harlan Levy Oregon Association of Realtors (OAR). Agrees with Chandler and Ludwig. Addresses his concern with Page 5, Subsection C and asks for an amendment dealing with Subsection C regarding LUBA.

083 Jim Nass Legal Counsel for Appellate Courts. Clarifies legal and technical issues contained in HB 2673 for the committee.

120 Rep. Greenlick Asks for a clarification regarding the conflict of interest.

127 Nass Claims that the question exceeds his expertise.

130 Dave Hunnicutt Oregonians In Action. States neutrality on this bill. Explains LUBA's jurisdiction in the process. States concerns that we might need to broaden the scope.

172	Chair Garrard	Calls for a work group to hone this bill. Asks Randy Tucker to chair the group and report back in two weeks.
180	Tucker	Agrees to chair the work group.
191	Chair Garrard	Closes the public hearing on HB 2673 and opens a public hearing on HB 2674.

**HB 2674 - PUBLIC HEARING**

200	Randy Tucker	Testifies in opposition to HB 2674. States concern with guest ranches which would be greatly expanded by this legislation. Expresses concern that changing population requirements would expand guest ranches east of Bend. States that we need to study the effect of these ranches before taking action.
277	Rep. Greenlick	Asks what is presently restricted in regard to the guest ranches.
280	Tucker	Defers to Ron Eber, DLCD.
300	Ron Eber	Department of Land Conservation and Development (DLCD). Testifies to the population of cities in Eastern Oregon which would be affected. Confirms Tucker's suspicions about the effect.
320	Chair Garrard	Asks about the number 5000 in the SMS and it's relation to the bill.
325	Rep. Greenlick	Confirms that the number would be decreased from 50,000 in the present statute.
398	Eber	Expresses concern that this legislation might bring too much development outside the urban growth boundaries. States neutrality on the bill, however.
410	Rep. Greenlick	Asks if it's typical for livestock operations inside of the 10 mile radius.
421	Eber	States that it may vary from city to city.
425	Rep. Greenlick	Asks how one gets within ten miles of Bend.
430	Eber	Notes that it's just outside of the 10-mile radius.
432	Tucker	Adds the technical change made a session or two ago.

**TAPE 40, B**

002	Kelly	Confirms the change.
003	Chair Garrard	Asks Tucker's position.
004	Tucker	Reaffirms that they oppose this legislation, citing the need to have more information. Adds that it's not 1000 Friends' most critical issue.
015	Rep. Rosenbaum	Asks Eber what would happen if there ceased to be a livestock separation.
021	Eber	Addresses Rep. Rosenbaum's concern.
039	Rep. Greenlick	Notes that this extends the sunset.
052	Don Schellenberg	Oregon Farm Bureau (OFB). Supports HB 2674, but expresses concern about violation of the 10-mile and conflicts with the farming community.
069	Rep. Greenlick	Asks Schellenberg to clarify OFB's position.
071	Schellenberg	States OFB's official neutrality.
075	Chair Garrard	Closes the public hearing on HB 2674 and opens a public hearing on HB 2644.

**HB 2644 - PUBLIC HEARING**

084	Ray Kelly	Summarizes HB 2644.
091	Dave Barrows	Chemical Waste Management (CWM). Gives historical background and testifies in favor of HB 2644. Recommends that we look at what Idaho is doing. Asks the committee to hang onto the bill until Idaho finishes their legislative session, then CWM will bring forth an amendment.

136	Rep. Zauner	Asks what Idaho's rate is.
138	Barrows	States that it fluctuates and talks about comparison between the two states and the need to stay within the range of them.
171	Bob Danko	Department of Environmental Quality (DEQ). Reaffirms how critical this bill is. Reaffirms Barrows' testimony.
184	Chair Garrard	Closes the public hearing on HB 2644 and adjourns the meeting at 10:22.

### **EXHIBIT SUMMARY**

- A – HB 2673, written testimony, Rep. Mark Hass, 1 p.**
- B – HB 2673, written information, Rep Max Williams, 1 p.**
- C – HB 2673, written testimony, Randy Tucker, 4 pp.**
- D – HB 2673, written testimony, Linda Ludwig, 60 pp.**
- E – HM 1, written testimony, Rep. Dennis Richardson, 1 p.**
- F – HM 1, -1 amendment, Rep. Dennis Richardson, 1 p.**
- G – HM 1, written testimony, Doug Myers, 5 pp.**