

## SENATE COMMITTEE ON RULES

July 3, 2003  
1:30 P.M.

Hearing Room B  
Tapes 80 - 81

**MEMBERS PRESENT:** Sen. Kate Brown, Co-chair, Presiding  
Sen. Bev Clarno, Co-chair  
Sen. Jason Atkinson, Vice-chair  
Sen. Ginny Burdick, Vice-chair  
Sen. Roger Beyer  
Sen. Tony Corcoran

**STAFF PRESENT:** Jim Stembridge, Committee Administrator  
Jeana Harrington, Committee Assistant

**MEASURES HEARD:** SCR 7 – Public Hearing and Work Session  
HB 2378 – Public Hearing and Work Session  
Work Session – Consideration of legislative concepts for drafting and  
introduction  
SB 450 – Work Session  
SB 905 – 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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 80, A</b>		
005	Sen. Clarno	Calls meeting to order at 1:36 PM. Opens public hearing on SCR 7.
<b><u>SCR 7 PUBLIC HEARING</u></b>		
007	Sen. Avel Gordly	Senate District 23. Testifies in support of SCR 7, in memoriam of Charles Britton (Maxey) Maxey, 1917-2001. Introduces her colleague, Denise Peterson. Speaks on the impact of Mr. and Mrs. Maxey's accomplishments on her family and her community. Notes Mr. Maxey's involvement in the National Association for the Advancement of Colored People (NAACP). Provides personal account of her relationship with Mr. and Mrs. Maxey. Accounts for Mr. Maxey's experiences during the Civil Rights movement. States pleasure in the fact that Mr. Maxey's accomplishments have been documented by the Oregon Historical Society.
098	Denise Peterson	Assistant to Sen. Gordly. Testifies in support of SCR 7. Offers she has known Mr. Maxey personally for over forty years. Provides personal account of the relationship between the Maxey's and the neighborhood.
119	Sen. Burdick	Asks if Sen. Gordly knows of a possible relative to Mr. Maxey.
126	Sen. Gordly	Responds she is unsure of the connection, but will inform her later.
130	Co-Chair Brown	Closes public hearing on SCR 7. Opens work session on SCR 7.
<b><u>SCR 7 – WORK SESSION</u></b>		
132	Sen. Clarno	<b>MOTION: Moves SCR 7 be sent to the floor with a BE</b>



### SB 450 – WORK SESSION

242 Sen. Burdick Explains a past scenario aided by the bill, which directs the Secretary of State to contact a person filing argument for inclusion in voters' pamphlet if the secretary believes the person made error in designating argument as supporting or opposing a state measure. Notes the -1 amendments (**EXHIBIT C**).

270 Co-chair Brown Requests if Sen. Burdick knows of any opposition by the absent committee members.

273 Sen. Burdick Negates.

275 **Sen. Burdick** **MOTION: Moves to ADOPT SB 450-1 amendments dated 3/4/03.**

278 **VOTE: 4-0-2**  
**EXCUSED: 2 – Atkinson, Beyer**  
**Hearing no objection, declares the motion CARRIED.**

280 **Co-chair Brown**  
**Sen. Burdick** **MOTION: Moves SB 450 to the floor with a DO PASS AS AMENDED recommendation.**

283 **VOTE: 4-0-2**  
**EXCUSED: 2 – Atkinson, Beyer**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. BURDICK will lead discussion on the floor.**

287 Sen. Corcoran Remarks.

290 Co-chair Brown Closes work session on SB 450. Opens public hearing on SB 905.

### SB 905 – PUBLIC HEARING

293 Marjorie Taylor Committee Administrator. Summarizes SB 905, which clarifies that modification of approved utility facility used to provide personal wireless services is not subject to subsequently enacted approval criteria.

299 John Powell AT&T Wireless. Testifies in support of SB 905. Informs the committee of the reintroduction of the concepts of HB 2785 by SB 905. Reminds the committee of his position of retroactivity. Speaks on the issue of cell tower modification and land use. Believes the solution is statewide. Notes a forthcoming amendment from 1,000 Friends of Oregon. Overviews the bill by sections. Refers the committee to page three, section three to speak on governance of modifications.

387 Kevin Martin Land use consultant, AT&T Wireless. Testifies in support of SB 905. Explains the two major issues set out by SB 905. Speaks on the costs of the facilities. Summarizes that the bill would simplify current actions, and notes that any changes would be subject to current rule.

### **TAPE 81, A**

027 Sen. Burdick Voices concern that the measure is too broad and would have unintended consequences.

040 Martin Describes the modification of cell towers. Explains limitations and interference standards. Speaks on visual and structural issues regarding co-location.

061 Powell Notes the bill was changed to include cities in the re-draft. Voices hope the League of Oregon Cities (LOC) and AT&T can work together on a resolution.

072 Sen. Burdick Voices hope the workgroup extends to 1,000 Friends of Oregon.

074 Powell Affirms 1,000 Friends will be included.

079	Co-chair Brown	States the bill will not have a work session today.
081	Dave Fiskum	T-Mobile. Testifies in support of SB 905. Notes T-Mobile would like to participate in the resolution.
097	Richard Kosesan	Verizon Wireless. Testifies in support of SB 905. Believes it addresses the issue of modification well. States Verizon also desires to be included in the group.
119	Brian DeLashmutt	Nextel Communications. Testifies in support of SB 905. Offers to be a part of the work group.
136	Randy Tucker	1,000 Friends of Oregon. Testifies in opposition to SB 905 <b>(EXHIBIT D)</b> . Speaks on efforts to find a consensus. States 1,000 Friends will work with the proponents of the measure.
155	Sen. Corcoran	Refers to earlier testimony regarding switch out of towers. Asks if 1,000 Friends wishes to impose requirements for switch outs.
162	Tucker	Responds the wording was “additional tower.” States he will confirm the change with his colleagues.
175	David Barenberg	LOC. Testifies in opposition to SB 905. Believes cities did not realize the potential impact to them. States he is willing to work to come to a consensus.
192	Co-chair Brown	States desire for the parties to work together. Closes public hearing on SB 905. Adjourns meeting at 2:19 PM.

**EXHIBIT SUMMARY**

- A – HB 2378, -1 amendments, Staff, 9 pp.**
- B – Legislative Concepts for drafting, Staff, 1 p**
- C – SB 450, -1 amendments, Staff, 2 pp.**
- D – SB 905, written testimony, Randy Tucker, 1 p**