

SENATE COMMITTEE ON RULES

August 4, 2003
1:30 PM

Hearing Room B
Tape 110 - 111

MEMBERS PRESENT: Sen. Ginny Burdick, Vice-chair
Sen. Tony Corcoran
Sen. Bill Fisher

MEMBER EXCUSED: Sen. Kate Brown, Co-chair
Sen. Roger Beyer, Co-chair
Sen. Jason Atkinson, Vice-chair

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

MEASURES HEARD: HJM 10 – Public Hearing
SB 938 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<u>TAPE 110, A</u>		
003	Vice-chair Burdick	Calls meeting to order at 1:40 PM. Opens public hearing on HJM 10.
<u>HJM 10 - PUBLIC HEARING</u>		
010	Rep. Elaine Hopson	House District 32. Testifies in support of HJM 10. Summarizes HJM 10, which requests Oregon Congressional Delegation to urge Congress to fund repairs to Port of Tillamook Bay jetties in federal fiscal year 2004. Lists the benefits of the bill including securing funding for the jetties. Explains the -2 amendments (EXHIBIT A) are technical.
037	Senator Joan Dukes	Senate District 16. Provides account of Tillamook Bay. Testifies in support of HJM 10.
057	Vice-chair Burdick	Closes public hearing on HJM 10. Opens public hearing on SB 938.
<u>SB 938 – PUBLIC HEARING</u>		
062	Jim Stembridge	Committee Administrator. Summarizes SB 938, which specifies that modification of approved utility facility used to provide personal wireless services is not subject to subsequently enacted approval criteria. Notes the sunset of the bill July 1, 2013. Informs the amendments are forthcoming.
072	John Powell	AT&T Wireless. Introduces Kevin Martin. Testifies in support of SB 938. Explains the allowances and provision of the bill. Informs of the work to address the concerns of the opposition on the measure. Explains the bill will allow for modification and co-location of cell towers. Defers to Mr. Martin.
127	Kevin Martin	Land-use Consultant, AT&T Wireless. Testifies in support of SB 938. Explains that new codes are restrictive and require more design. States the regulations prevent carriers from co-locating and modifying towers and result in carriers building entirely new

162	Carrie MacLaren	towers. 1,000 Friends of Oregon. Submits written testimony (EXHIBIT B). Testifies on SB 938 and notes she has not seen amendments. Lists the concerns of 1,000 Friends. Voices concerns for potential impact on farm operations and the agricultural land base.
201	Vice-chair Burdick	Asks if 1,000 Friends anticipates resolution.
203	MacLaren	States that is the intention of 1,000 Friends.
207	Dave Barrenburg	League of Oregon Cities (LOC). Introduces his colleagues.
220	Bob Clay	Chief Planner, City of Portland. Testifies in opposition to SB 938 and lists concerns (EXHIBIT C). Speaks on section three of the bill and its implications on cities. Believes the bill is “poorly worded” and will result in “bad public policy.” Informs of Portland’s zoning code regarding cell towers. Speaks on land-use review processes in Portland. Determines the best approach is a design review process and believes the bill is unclear in its outlay. States the bill is “badly written”.
329	Sen. Fisher	Refers to Mr. Clay’s use of the word “disastrous” and questions if the bill is “disastrous” from a design prospective.
331	Clay	Responds it is with regard to design guidelines and aesthetic considerations.
333	Sen. Fisher	Requests the safety concerns.
335	Clay	Responds that those issues are dealt with at the permit stage and are not necessarily part of the land-use approval status.
347	Sen. Fisher	Questions what “disastrous” connotes.
353	Clay	Responds with the Portland’s determination of the urban design consideration.
365	Sen. Fisher	Clarifies his statement.
367	Clay	Responds with how the city has addressed cell tower citing for years.
382	Vice-chair Burdick	Asks Mr. Clay if he has seen the -2 amendments.
386	Clay	Negates.
388	Vice-chair Burdick	Asks if Mr. Clay will be in contact with the proponents once he obtains them.
390	Barrenburg	Affirms and adds that co-location of cell towers is a common interest, but the opponents wish to ensure there is no adverse or unintended impact.
400	Art Schlack	Association of Oregon Counties (AOC). Testifies in SB. Voices concern for definition of modification allowing for an increase in height and “footprint” of the structure.
TAPE 111, A		
025	Vice-chair Burdick	Closes public hearing on SB 938.
028	Jim Stembridge	Reasons HB 3328A must be carried over because a quorum will not be available.
033	Vice-chair Burdick	Adjourns meeting at 2:10 PM.

EXHIBIT SUMMARY

A – HJM 10, -2 amendments (7/31/03), Staff, 1 p

B – SB 938, written testimony, Carrie MacLaren, 1 p

C – SB 938, written testimony, Bob Clay, 2 pp.