

SENATE COMMITTEE ON
TRANSPORTATION AND ECONOMIC DEVELOPMENT

May 22, 2003
3:00 PM

Hearing Room C
Tapes 110 - 113

MEMBERS PRESENT: **Sen. Rick Metsger, Chair**
 Sen. Bruce Starr, Vice-Chair
 Sen. Ryan Deckert
 Sen. David Nelson

STAFF PRESENT: **Amy Joyce, Committee Administrator**
 Annastasia Suess, Committee Assistant

MEASURE/ISSUES HEARD: SB 751 – Work Session
 HB 2933 - Public Hearing and Work Session
 HB 2388A - Public Hearing and Work Session
 HB 2455B - Public Hearing and Work Session
 HB 3048 - Public Hearing and Work Session
 HB 3164A - Public Hearing and 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
TAPE 110, A		
002	Chair Metsger	Calls the committee to order at 3:05 p.m. and opens a work session on SB 751.
<u>SB 751 – WORK SESSION</u>		
005	Keith Leavitt	Port of Portland. Provides testimony in support of the dash three amendments (EXHIBIT A).
035	Dick Peterson	Administrator, Land Quality Program, Department of Environmental Quality, (DEQ). Provides testimony in support of the dash three amendments.
040	Martin Loring	Provides testimony in support of SB 751. States for the record that there has been tribal interest in lower Willamette from beginning and asks that the tribes continue to be involved.
065	John DiLorenzo	Attorney. Begins discussion on section ten of SB 751, which have been deleted in the dash three amendments.
095	Sen. Deckert	States that the deletion of section 10 is important. States a concern with the amendments, regarding orphan sites.
100	DiLorenzo	Clarifies the amendments relevance to the superfund site of the Willamette river.
105	Sen. Deckert	States another concern, regarding how helpful this bill is when there is a process in place.
110	DiLorenzo	States this gives state another tool. Comments there should not be another 10-15 year wait for litigation to finish.
120	Tom Gallagher	Lobbyist, Schnitzer Steel Industries. Testifies in support of SB 751, states a concern there would be no end to company's liability.
135	John Christiansen	Staff, Sen. Margaret Carter. States the area is in Sen. Carter's district. States potential constitutional issues regarding the dual exercise authority, specifically the inclusion of the executive branch and the

legislative branch in an authority function.

155 Brendan McCarthy Deputy Legislative Counsel. Explains the situations where dual exercise authority can cause constitutional problem. States that in this case there is no executive authority granted, nor rulemaking decisions. States the executive function will be to make recommendations based on information provided.

175 Chair Metsger States the resemblance to the Debt Policy Advisory Committee with the treasure chair's with Legislative members.

180 Christiansen States there has not been a fiscal analysis.

200 **Vice Chair B. Starr** **MOTION: Moves to ADOPT SB 751-3 amendments dated 05/22/03.**
VOTE: 4-0

210 **Chair Metsger** **Hearing no objection, declares the motion CARRIED.**

215 **Vice Chair B. Starr** **MOTION: Moves SB 751 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**
VOTE: 4-0

220 **Chair Metsger** **Hearing no objection, declares the motion CARRIED.**
SEN. METSGER will lead discussion on the floor.

222 Chair Metsger Closes the work session on SB 751 and opens a public hearing on HB 2933.

HB 2933 – PUBLIC HEARING

230 Rep. Dan Doyle District 19. Presents summary of HB 2933, which increases threshold amount of property damage that requires vehicle accident report. Discusses the dash two amendments dated 5-21-03 (**EXHIBIT B**).

290 Troy Costales Safety Manger, Oregon Department of Transportation (ODOT). Testifies in support of HB 2933 and the dash two amendments.

310 Chair Metsger Closes the public hearing on HB 2933 and opens a work session on HB 2933.

HB 2933 – WORK SESSION

315 **Vice Chair B. Starr** **MOTION: Moves to ADOPT HB 2933-2 amendments dated 05/21/03.**
VOTE: 4-0

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

330 **Vice Chair B. Starr** **MOTION: Moves HB 2933 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**
VOTE: 4-0

335 **Chair Metsger** **Hearing no objection, declares the motion CARRIED.**
SEN. B. STARR will lead discussion on the floor.

340 Chair Metsger Closes the work session on HB 2933 and opens a public hearing on HB 2388A.

HB -2388A PUBLIC HEARING

350 Monty King Executive Director, Oregon Independent Auto Dealers. Summarizes the dash two amendments to HB 2388A (**EXHIBIT C**) and submits written testimony (**EXHIBIT D**).

375 Al Elkins Oregon Tow Truck Association. Provides testimony in support of HB2388A and the dash two amendments.

395 Kelly Taylor ODOT. Provides testimony in support of HB 2388A and the dash two amendments.

450 Chair Metsger Closes the public hearing on HB 2388A and opens a work session on HB 2388A.

Tape 111, A

HB 2388A – WORK SESSION

010 Vice Chair B. Starr MOTION: Moves to ADOPT HB 2388A-2 amendments dated 05/21/03.

VOTE: 4-0

015 Chair Metsger Hearing no objection, declares the motion CARRIED.

025 Vice Chair B. Starr MOTION: Moves HB 2388A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

VOTE: 4-0

030 Chair Metsger Hearing no objection, declares the motion CARRIED.

SEN. B. STARR will lead discussion on the floor.

035 Chair Metsger Closes the work session on HB 2388A and opens a public hearing on HB 2455B.

HB 2455B – PUBLIC HEARING

038 Chair Metsger Provides dash seven amendments to HB 2455B (**EXHIBIT E**).

040 Al Elkins Oregon Tow Truck Association. Provides testimony of appreciation for Rep. Brown and the work group on HB2455B.

050 Monty king Oregon Independent Auto Dealers Association. Provides written testimony in support of HB2455B (**EXHIBIT F**).

080 Deb Elkins Director, Northwest Auto Trades Association. Provides written testimony and discussion in support of HB 2455B (**EXIHIBIT G**).

105 Bob Anderson Owner, Salem auto repair shop. Provides testimony in support of HB2455B.

110 King Provides testimony in gratitude for legislative assistance in bringing the bills forward.

120 Chair Metsger Closes the public hearing on HB 2455B and opens a work session on HB 2455B.

HB 2455B – WORK SESSION

125 King Summarizes the dash seven amendments to HB 2455B.

150 Vice Chair B. Starr MOTION: Moves to ADOPT HB 2455B-7 amendments dated 05/21/03.

VOTE: 4-0

157 Chair Metsger Hearing no objection, declares the motion CARRIED.

160 Vice Chair B. Starr MOTION: Moves HB 2455B to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 4-0

162 Chair Metsger Hearing no objection, declares the motion CARRIED.

SEN. DECKERT will lead discussion on the floor.

164 Chair Metsger Closes the work session on HB 2455B and opens a public hearing on HB 3048.

HB 3048 – PUBLIC HEARING

175 King Provides testimony in support of HB 3048.

185 Chair Metsger Asks how often the problem is occurring.

190 King States the problem is on-going and quite frequent. Estimates about ten problems a month.

205 Chair Metsger Clarifies the purpose of the bill.

209 Chair Metsger Closes the public hearing on HB 3048 and opens a work session on HB 3048.

The following prepared testimony is submitted for the record without public testimony for HB 3048:

Monty King
HB 3048 – WORK SESSION
213 Vice Chair B. Starr

Submits written testimony (**EXHIBIT O**).

215 Chair Metsger

MOTION: Moves HB 3048 to the floor with a DO PASS recommendation.

VOTE: 3-0

EXCUSED: 1 – Deckert

Hearing no objection, declares the motion CARRIED.

SEN. NELSON will lead discussion on the floor.

217 Chair Metsger

Closes the work session on HB 3048 and convenes the committee to the call of the chair at 3:47 p.m.

219 Chair Metsger

RECESS

Reconvenes the committee at 3:57 p.m. and opens a public hearing on HB 3164A.

HB 3164A – PUBLIC HEARING

228 Paul Romain

Attorney, North Plains. Defers to Mr. Hirst.

240 Herb Hirst

City Council, North Plains. Defers to Mr. Oterman.

260 Don Oterman

City Manager, North Plains. Summarizes the eight year history of North Plains periodic reviews.

360 Oterman

Continues presentation.

TAPE 110, B

025 Oterman

Continues presentation.

046 Hirst

Testifies on the current law complexity and difficulties.

077 Sen. Deckert

Comments on the incredible cost to the small city for the last eight years.

088 Romain

States the bill is not a state zoning mandate. Elaborates on the intent of the bill.

150 Sen. Nelson

Asks if the exception land has been litigated.

152 Romain

Answers and elaborates.

178 Chair Metsger

Comments on the local planning process, and asks what the public policy loss is by legislative intervention.

198 Romain

States that the appeal process is not stopped by legislative intervention.

230 Chair Metsger

Asks if a judicial finding would provide more clarity to what the legislature needs to act on.

242 Romaine

Answers.

264 Sen. Nelson

Asks about the exception process.

268 Oterman

Clarifies that when the land south of the highway was designated as exception land by Washington County, the city was not involved in the discussion.

272 Romaine

Provides a description on the zoning of the land.

320 Vice Chair B. Starr

Comments on the city's lengthy bureaucratic process.

350 Mike Hanks

Developer, Beaverton. Testifies on the amount of work and the process by which the City of North Plains has gone through to get this far.

358 John DiLorenzo

Attorney, Davis Right Tremaine LLP on behalf of Specht Development. Reads written testimony (**EXHIBIT H**).

TAPE 111, B

050 DiLorenzo

Continues to read testimony:

- What the Bill Does
- Why the Bill is Unnecessary
- The dangers inherent in passing the bill
- Conclusion

164	Chair Metsger DiLorenzo	Comments on the term land speculator used in testimony. Responds and elaborates on the term 'land spec' used in this particular instance.
	Chair Metsger	Asks if the city's preference to grow the way they feel it best, does it reflect some problems with our Land Use process.
193	DiLorenzo	Agrees and comments on the need to propose a bill on general fairness.
213	Vice Chair B. Starr	Asks in the event the bill does not become law, will there be an opportunity to develop the land.
235	DiLorenzo	States that there will be no guarantee.
243	Jim Long	North Plains Resident. Provides testimony in opposition to HB 3164A (EXHIBIT I, J) .
308	Sen. Nelson	Comments on the cost to the city and wonders if it is beyond the capacity of citizen participation.
320	Long DiLorenzo	Answers the amount of interest and citizen participation. Comments on the cumbersomeness of the process. States a belief that the citizens are not the largest funders of the monies already spent.
350	Sen. Nelson	States a personal belief that changes need to be made to the land use process.
380	Don Schellenberg	Associate Director, Governmental Affairs for the Oregon Farm Bureau. Reads written testimony (EXHIBIT K) .
TAPE 112, A		
035	Randy Tucker	1000 Friends of Oregon. Begins testimony in opposition to HB 3164A and provides written testimony (EXHIBIT L) .
068	Tucker	States concerns to the bill as written and concludes testimony.
075	David Van Hoff	Governor's Office. Provides testimony in opposition to HB 3164A and submits written testimony (EXHIBIT M) .
108	Chair Metsger	Summarizes the Governor's written testimony and submits for the record that the Governor will veto the bill as written.
113	Sen. Nelson	Comments on the term 'exception lands' and the fairness issue involved.
123	Van Hoff	Agrees, and comments on similar concerns within the state of Oregon.
128	Vice Chair B. Starr	Asks under the current status quo, the land south of the highway is zoned in such a way that houses could be built, and asks if this would be supported by the Farm Bureau and 1000 Friends of Oregon.
135	Schellenberg	Answers that the use of the land is not a concern.
140	Tucker	States that generally lands designated exception have had pre-existing development prior to the establishment of the Land Use Planning program.
156	Vice Chair B. Starr	States concerns with five acre parcels.
185	Dennis Mulvihill	Washington County. Provides testimony in support of HB 3164A and submits written testimony (EXHIBIT N) .
200	Rep. Derrick Kitts	District 30. Provides testimony as the proponent of HB 3164A.
267	Chair Metsger	Asks for additional work between the opponents and the city representatives before a legislative decision is made.
333	DiLorenzo	States a desire to work out the issues, but hesitates to say that a medium can be found.
375	Romain	States the Governor may not fully understand the position the city has taken on the issue.
405	DiLorenzo	Comments on the City's rigidity on the issues.
TAPE 113, A		
035	Romain	Comments on the testimony.
045	Chair Metsger	Closes the work session on HB 3164A and adjourns the committee at 5:43 p.m.

The following prepared testimony is submitted for the record without public testimony for HB 3048:
Staff Submits the dash three amendments to HB 3164 (**EXHIBIT P**).
Leo Huff Submits written testimony (**EXHIBIT Q**).
James Just Submits written testimony (**EXHIBIT R**).

EXHIBIT SUMMARY

A – SB 751, Dash three amendments, Keith Leavitt, 6 pp
B – HB 2933, Dash two amendments, Rep. Dan Doyle, 1 p
C – HB 2388, Dash two amendments, Monty King, 1 p
D – HB 2388, written testimony, Monty King, 2 pp
E – HB 2455, dash seven amendments, Staff, 1 p
F – HB 2455, written testimony, Monty King, 1 p
G – HB 2455, written testimony, Deb Elkins, 1 p
H – HB 3164A, written testimony, John DiLorenzo, 19 pp
I – HB 3164, written testimony, Jim Long, 1 p
J – HB 3164, written testimony, Jim Long, 1 p
K – HB 3164, written testimony, Don Schellenberg, 3 pp
L – HB 3164, written testimony, Randy Tucker, 2 pp
M – HB 3164, written testimony, David Van Hoff, 1 p
N – HB 3164, written testimony, Dennis Mulvihill, 1 p

The Following exhibits are listed out of order in the body of the tape log:

O – HB 3048, written testimony, Monty King, 1 p
P – HB 3164, dash three amendments, Staff, 1 p
Q – HB 3164, written testimony, Leo Huff, 2 pp
R – HB 3164, written testimony, James Just, 1 p