

SENATE COMMITTEE ON WATER AND LAND USE

May 28, 2003
3:00 p.m.

Hearing Room D
Tapes 63 – 64

MEMBERS PRESENT: **Sen. Ted Ferrioli, Chair**
 Sen. Charlie Ringo, Vice-Chair
 Sen. Jason Atkinson
 Sen. Rick Metsger

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3245A – Public Hearing and Work Session**
 HB 2688A – Public Hearing and Work Session
 HB 2898 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 63, A		
004	Chair Ferrioli	Calls meeting to order at 3:10 p.m. Opens public hearing on HB 3245A.
<u>HB 3245A – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Presents overview of HB 3245A, which exempts manufactured dwelling park or mobile home park conversion to planned community subdivision from certain city, county and land use regulations. Discusses –A6 amendments dated 5-28-03 (EXHIBIT A).
025	Brian DeMarco	Oregon Real Estate Agency. Testifies in support of HB 3245A and the –A6 amendments. Submits written testimony (EXHIBIT B). Discusses subdivision and purchase of lots in manufactured dwelling or mobile home parks.
090	John Brenneman	Manufactured Housing Communities of Oregon (park owners). Discusses intent to transfer ownership of parks from one owner to each individual owner. Testifies in support of –A6 amendments.
135	Stephen Kafoury	Oregon Chapter, American Planning Association. Testifies in support of HB 3245A and –A6 amendments. Discusses zoning changes provided for. Expresses support of Oregon Manufactured Home Association.
170	Rep. Jeff Merkley	District 47. Testifies in support of HB 3245A and –A6 amendments.
195	Linda Ludwig	League of Oregon Cities (LOC). Testifies as neutral and raises concerns: <ul style="list-style-type: none">• Freezing regulations at time park was approved may mean different regulations for different parks• Ten year period is long for freezing lot uses and would recommend a shorter period
230	Fred Schwoch	Manufactured Homeowners of Oregon/OSTA. Testifies in support of HB 3245A.
245	Cheryl Pellegrini	Oregon Department of Justice (DOJ). Testifies in support of HB

265 Chair Ferrioli 3245A. Discusses attempts to eliminate barriers to home ownership by park residents. Closes public hearing on HB 3245A. Opens work session on HB 3245A.

HB 3245A – WORK SESSION

270 Sen. Atkinson **MOTION: Moves to ADOPT HB 3245A-6 amendments dated 5/28/03.**

275 **VOTE: 4-0**

Chair Ferrioli **Hearing no objection, declares the motion CARRIED.**

280 Sen. Atkinson **MOTION: Moves HB 3245A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0

Hearing no objection, declares the motion CARRIED.

SEN. ATKINSON will lead discussion on the floor.

285 Chair Ferrioli Closes work session on HB 3245A. Opens public hearing on HB 2688A.

HB 2688A – PUBLIC HEARING

290 Judith Callens Committee Administrator. Presents overview of HB 2688A, which allows use of material removed from submersible and submerged lands owned by state for certain purpose without payment of royalties.

315 Ken Armstrong Oregon Ports Group. Testifies in support of HB 2688A. Submits written testimony (**EXHIBIT C**). Discusses royalties due on material dredged from rivers.

365 Keith Leavitt Port of Portland. Testifies in support of HB 2688A. Explains beneficial uses of dredged material.

395 Jeannette Holman Assistant Director, Division of State Lands (DSL). Testifies in support of HB 2688A.

410 Chair Ferrioli Closes public hearing on HB 2688A. Opens work session on HB 2688A.

HB 2688A – WORK SESSION

415 Sen. Ringo **MOTION: Moves HB 2688A to the floor with a DO PASS recommendation.**

VOTE: 4-0

Hearing no objection, declares the motion CARRIED.

SEN. METSGER will lead discussion on the floor.

420 Chair Ferrioli Closes work session on HB 2688A. Opens public hearing on HB 2898.

HB 2898 – PUBLIC HEARING

425 Judith Callens Committee Administrator. Presents overview of HB 2898, which directs State Department of Geology and Mineral Industries (DOGAMI) to establish program providing for pooling of reclamation bonds.

TAPE 64, A

015 Sen. Atkinson Asks how measure came to committee without subsequent referral.

020 Chair Ferrioli Clarifies the measure has been in committee some time and may have developed changes since the House passed it.

025 Gary Lynch DOGAMI. Testifies in support of HB 2898. Discusses increase in costs of surety bonds for mine reclamation. Describes support by federal government including Forest Service and Bureau of Land Management (BLM), and programs beginning in other states.

060	Sen. Metsger	Asks how the agency anticipates funding.
065	Lynch	Discusses infrequent bond failures, and ability of agency to cover all failures with bonds from those who do not fail. Points out the language says “shall” establish the bond pool, and would prefer “may” establish.
090	Chair Ferrioli	Asks about conceptual amendment from “shall” to “may.”
100	Sen. Metsger	Suggests a conceptual amendment and conference committee process.
105	Sen. Atkinson	Agrees.
110	Sen. Ringo	Agrees.
115	Sen. Metsger	Asks about how this is portrayed in the DOGAMI budget.
120	Lynch	Explains the budget has been passed, without a problem over this issue. Understands Fiscal has recommend an Emergency Board request if necessary.
130	Chair Ferrioli	Assumes the program will be funded with user fees, resulting in zero fiscal impact.
135	Lynch	Reiterates there is no anticipation of funding with General Fund dollars.
140	Chair Ferrioli	Closes public hearing on HB 2898. Opens work session on HB 2898.
<u>HB 2898 – WORK SESSION</u>		
145	Sen. Ringo	MOTION: Moves to AMEND HB 2898 on page 1, in line 6, by changing the word "shall" to "may".
		VOTE: 4-0
	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
150	Sen. Ringo	MOTION: Moves HB 2898 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 4-0
	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
160	Chair Ferrioli	Closes work session on HB 2898. Adjourns the meeting at 3:50 p.m.

EXHIBIT SUMMARY

- A – HB 3245A, -A6 amendments (5-28-03), staff, 3 pp**
- B – HB 3245A, written testimony, Brian DeMarco, 14 pp**
- C – HB 2688A, written testimony, Ken Armstrong, 2 pp**