

SENATE COMMITTEE ON RULES AND REDISTRICTING

June 11, 2001 Hearing Room C
9:00 AM Tapes 110 - 111

MEMBERS PRESENT: Sen. Steve Harper, Chair
Sen. Peter Courtney, Vice-Chair
Sen. Jason Atkinson
Sen. Lee Beyer
Sen. Kate Brown
Sen. Randy Miller
Sen. John Minnis

STAFF PRESENT: Craig Allen, Administrator
Rick Berkobien, Administrator
Jan McComb, Administrator
Marjorie Taylor, Administrator
Andrew Morris, Committee Assistant
Annetta Mullins, Committee Assistant

MEASURES HEARD: HB 2804A Public Hearing and Work Session
HB 3558A Public Hearing
HB 2411A Public Hearing and Work Session
HB 3686A Work Session
HB 2370 Work Session
HB 3925A Public Hearing and Work Session
HB 3429A Work Session
HB 2976A Work Session
HB 2867A Public Hearing and Work Session
HB 2168A Work Session
HB 3835A Work Session
HB 2261 Work Session
HB 2057A Public Hearing
HB 3909A Work Session
HB 3187A Work Session
HB 3782A Work Session
HB 2980B Work Session
HB 3783 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		
004	Chair Harper	Calls meeting to order at 9:05 a.m. and opens a public hearing on HB 2804A.
<u>HB 2804A PUBLIC HEARING</u>		
011	Jim Welsh	Oregon Family Farm Association. Testifies in support of HB 2804A.
026	Chair Harper	Closes the public hearing on HB 2804A and opens a work session on HB 2804A.

HB 2804A WORK SESSION

027 Sen. Courtney

MOTION: Moves HB 2804A to the floor with a DO PASS recommendation.

VOTE: 4-0-3

030 Chair Harper

EXCUSED: 3 - L Beyer, Miller, Minnis

Hearing no objection, declares the motion CARRIED.

SEN. ATKINSON will lead discussion on the floor.

032 Chair Harper

Closes the work session on HB 2804A and opens a public hearing on HB 3558A.

HB 3558A PUBLIC HEARING

043 Welsh

Testifies in support of HB 3558A (**EXHIBIT A**). Comments on compensation for land.

057 Harlan Levy

Association of Oregon Realtors. Testifies in support of HB 3558A. Explains property owners who would be affected by HB 3558A.

068 Sen. Brown

Relates concerns.

077 Jeanette Holman

Division of State Lands. Testifies in opposition to HB 3558A (**EXHIBIT B**). Relates concerns about the funding source and constitutional issues.

083 Sen. Minnis

Asks about the constitutional issues.

085 Holman

Responds by explaining issues the division has concerns with.

097 Sen. Minnis

States that Oregon has been collecting taxes on land that it should not be.

098 Holman

States agreement with Sen. Minnis. Says that the division does not have a problem returning taxes to people who were wrongly taxed.

108 Phil Donovan

Northwest Steelheaders. Testifies in opposition to HB 3558A.

117 Gary Benson

Northwest Steelheaders. Testifies in opposition to HB 3558A. States the legislation is unnecessary.

128 Sen. Minnis

Asks who issues the land ownership deeds.

132 Benson

Responds that the counties do.

138 Sen. Minnis

Asks where the counties get their authority.

143 Benson

Responds he is unsure.

144 Sen. Minnis

Points out that counties get their authority from the state. Discusses reimbursement for taxes that were wrongly taken by the state.

152 Donovan

Comments on previous legislation.

164 Sen. Brown

Asks how many rivers have been declared navigable since Oregon became a state.

166 Benson

Responds ten.

168 Sen. Brown

Asks how many studies are pending.

170 Benson

Responds eight.

173 Sen. Brown

Asks if the legislature and the state have done everything possible to work on the navigability issue.

175 Benson

Responds no.

179 Sen. Miller

Asks if the association agrees with reimbursement of taxes paid on public property.

184 Donovan

Responds affirmatively.

194 Chair Harper

Closes the public hearing on HB 3558A and opens a public hearing on 2411A.

HB 2411A PUBLIC HEARING

201 Rep. Lane Shetterly

House District 34. Testifies in support of HB 2411A. Explains the -A4 amendments (**EXHIBIT C**).

228 Chair Harper

Closes the public hearing on HB 2411A and opens a work

session on HB 2411A.

HB 2411A WORK SESSION

229 Sen. Courtney

MOTION: Moves to ADOPT HB 2411A-A4 amendments dated 6/11/01.

VOTE: 5-0-2

EXCUSED: 2 – Atkinson, L Beyer

Hearing no objection, declares the motion CARRIED.

231 Chair Harper
233 Sen. Courtney

MOTION: Moves HB 2411A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-0-2

EXCUSED: 2 – Atkinson, L Beyer

Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on floor.

240 Chair Harper

243 Chair Harper

Closes the work session on HB 2411A and opens a work session on HB 3686A.

HB 3686A WORK SESSION

245 Bob Repine

Oregon Housing and Community Services Department. Testifies in support of HB 3686A. Explains the –A5 amendments (**EXHIBIT D**).

260 Sen. Minnis
277 Sen. Courtney

Comments on the –A5 amendments.

MOTION: Moves to ADOPT HB 3686A-A5 amendments dated 6/8/01.

VOTE: 6-0-1

EXCUSED: 1 - L Beyer

Hearing no objection, declares the motion CARRIED.

279 Chair Harper
280 Sen. Courtney

MOTION: Moves HB 3686A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0-1

EXCUSED: 1 - L Beyer

Hearing no objection, declares the motion CARRIED.

SEN. MINNIS will lead discussion on the floor.

290 Chair Harper

294 Chair Harper

Closes the work session on HB 3686A and opens a work session on HB 2370.

HB 2370 WORK SESSION

299 Carl Myers

Oregon State Bar (OSB). Testifies in support of HB 2370 (**EXHIBIT E**). Explains HB 2370 to the committee.

313 Sen. Courtney

MOTION: Moves HB 2370 to the floor with a DO PASS recommendation.

VOTE: 6-0-1

EXCUSED: 1 - L Beyer

Hearing no objection, declares the motion CARRIED.

SEN. BROWN will lead discussion on the floor.

314 Chair Harper

323 Chair Harper

Closes the work session on HB 2370 and opens a public hearing on HB 3925A.

HB 3925A PUBLIC HEARING

337 Chris Crean

Miller & Nash. Testifies in support of HB 3925A. Relates a legal case.

404 Art Schlack

Association of Oregon Counties. Testifies in opposition to HB 3925A (**EXHIBIT F**).

TAPE 111, A

000 Schlack

Continues testimony.

031 Chair Harper

Asks how many cases are similar to the one in Multnomah County.

035 Crane

Responds there have been three cases in the last ten years.

040	Sen. Courtney	Asks if the Multnomah County case is in the Court of Appeals.
042	Crean	Responds affirmatively.
046	Sen. Courtney	Asks if the court is likely to grant the plaintiff reprieve.
050	Crean	Responds that it depends on how the court rules. Explains the complexity of the issue.
065	Sen. Miller	Asks why Schlack is concerned about landowners going to court.
067	Schlack	Relates the concerns of the Association of Oregon Counties (AOC).
080	Sen. Miller	Discusses landowner rights.
091	Sen. Brown	Comments on a letter from the American Planning Association (EXHIBIT G) .
095	Crean	Explains the land use decision process.
117	Linda Ludwig	League of Oregon Cities. Testifies in opposition to HB 3925A.
127	Joe Landry	Oregon Planning Association. Testifies in opposition HB 3925A.
140	Randy Tucker	1000 Friends of Oregon. Testifies in opposition of HB 3925A.
153	Sen. Brown	Asks about the pending case in Multnomah County.
161	Tucker	Responds the case should go through the land use process.
167	Chair Harper	Closes the public hearing on HB 3925A and opens a work session on HB 3925A.

HB 3925A WORK SESSION

169	Sen. Brown	MOTION: Moves HB 3925A to the floor with a DO PASS recommendation.
		VOTE: 5-1-1
		OBJECTING: 1 – Courtney
		EXCUSED: 1 – Minnis
174	Chair Harper	Hearing one objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
176	Chair Harper	Closes the work session on HB 3925A and opens a work session on HB 3429A.

HB 3429A WORK SESSION

186	Janet Carlson	House District 32. Testifies in support of HB 3429A (EXHIBIT H) . Relates the strategy Springfield has put into place since the school shooting in 1998.
235	Sen. Courtney	MOTION: Moves HB 3429A to the floor with a DO PASS recommendation.
		VOTE: 4-0-3
		EXCUSED: 3 - L Beyer, Miller, Minnis
240	Chair Harper	Hearing no objection, declares the motion CARRIED. SEN. L BEYER will lead discussion on the floor.
244	Chair Harper	Closes the work session on HB 3429A and opens a work session on HB 2976A.

HB 2976A WORK SESSION

260	Jon Chandler	Oregon Building Industry Association. Testifies in support of HB 2976A (EXHIBIT I) . Comments on the –A4 amendments (EXHIBIT J) .
306	Sen. Courtney	MOTION: Moves to ADOPT HB 2976A-A4 amendments dated 6/11/01.
		VOTE: 4-0-3
		EXCUSED: 3 - L Beyer, Miller, Minnis
307	Chair Harper	Hearing no objection, declares the motion CARRIED.
310	Sen. Courtney	MOTION: Moves HB 2976 to the floor with a DO PASS AS

AMENDED recommendation.

VOTE: 4-0-3

EXCUSED: 3 - L Beyer, Miller, Minnis

Hearing no objection, declares the motion CARRIED.

SEN. BROWN will lead discussion on the floor.

312 Chair Harper

323 Chair Harper

Closes the work session on HB 2976A and opens a public hearing on HB 2867A.

HB 2867A PUBLIC HEARING

343 J.L. Wilson

National Federation of Independent Businesses (NFIB).
Testifies in support of HB 2867A (**EXHIBIT K**).

TAPE 110, B

004 Don Schellenberg

Oregon Farm Bureau. Testifies in support of HB 2867A (**EXHIBIT L**). Comments on the workload of farmers.

019 David Nebel

Oregon Law Center. Testifies in opposition to HB 2867A (**EXHIBIT M**). Relates a possible scenario.

066 Steve Lanning

Oregon AFL-CIO. Testifies in opposition to HB 2867A. Gives reasons that HB 2867A should not pass.

079 Chair Harper

Closes the public hearing on HB 2867A and opens a work session on HB 2867A.

HB 2867A WORK SESSION

082 Sen. Harper

MOTION: Moves HB 2867A to the floor with a DO PASS recommendation.

VOTE: 4-0-3

EXCUSED: 3 - L Beyer, Miller, Minnis

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

085 Chair Harper

103 Chair Harper

Closes the work session on HB 2867A and opens a work session on HB 2168A.

HB 2168A WORK SESSION

107 Dave McTeague

Administrator, Oregon Board of Chiropractic Examiners.
Testifies in support of HB 2168A (**EXHIBIT N**).

122 Chair Harper

MOTION: Moves HB 2168A to the floor with a DO PASS recommendation.

VOTE: 4-0-3

EXCUSED: 3 - L Beyer, Miller, Minnis

Hearing no objection, declares the motion CARRIED.

SEN. YIH will lead discussion on the floor.

128 Chair Harper

136 Chair Harper

Closes the work session on HB 2168A and opens a work session on HB 3835A.

HB 3835A WORK SESSION

142 Annette Talbott

Governor's Office. Testifies in support of HB 3835A (**EXHIBIT O**).

157 Sen. Courtney

MOTION: Moves HB 3835A to the floor with a DO PASS recommendation.

VOTE: 4-0-3

EXCUSED: 3 - L Beyer, Miller, Minnis

Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on the floor.

162 Chair Harper

165 Chair Harper

Closes the work session on HB 3835A and opens a work session on HB 2261.

HB 2261 WORK SESSION

168 Jack Kinney

Oregon Housing and Community Services Department.
Testifies in support of HB 2261 (**EXHIBIT P**).

188 Sen. Courtney

MOTION: Moves HB 2261 to the floor with a DO PASS

recommendation.

VOTE: 6-0-1

EXCUSED: 1 - L Beyer

Hearing no objection, declares the motion CARRIED.

SEN. MINNIS will lead discussion on the floor.

192 Chair Harper

194 Chair Harper

Closes the work session on HB 2261 and opens a public hearing on HB 2057A.

HB 2057A PUBLIC HEARING

204 Craig Allen

Administrator. Enters letter from Stan Bunn, Superintendent of Public Education (**EXHIBIT Q**).

205 Rep. Jerry Krummel

House District 27. Testifies in support of HB 2057A.

226 Lynn Lundquist

Comments on the –A11 amendments (**EXHIBIT R**).

Oregon Business Association. Testifies in support of HB 2057A.

236 Sen. Courtney

Asks about the Education Trust Fund.

245 Rep. Krummel

Explains the establishment of the Educational Trust Fund.

257 Sen. Courtney

Asks what the limitations are on the trust fund.

260 Lundquist

Explains the restrictions on the trust fund. Comments on the funding source.

287 Rep. Krummel

States that other sources of money would be available.

292 Sen. Courtney

Comments on the importance of a security fund.

360 Paul Warner

Legislative Revenue. Comments on HB 2057A. Explains the ending balance equation. States the kicker calculation would not affect the security fund.

409 Sen. Beyer

Asks if the ending balance is a portion of the working capitol.

411 Warner

Responds that the ending balance has been used under current law.

TAPE 111, B

000 Chair Harper

Asks about removing the amount of requested money from the current bill.

005 Lundquist

Responds that the legislature should decide at a later time how much money is actually needed.

009 Chair Harper

Closes the public hearing on HB 2057A and opens a work session on HB 3909A.

HB 3909A WORK SESSION

019 Mark Nelson

Les Schwab Tires. Testifies in support of HB 3909A. Explains the task force that will be set up.

040 Doug Riggs

Metro. Testifies in support of HB 3909A (**EXHIBIT S**).

Comments on staffing for the task force, which will not use legislative staff.

067 Sen. Courtney

MOTION: Moves HB 3909A to the floor with a DO PASS recommendation.

VOTE: 6-0-1

EXCUSED: 1 – Atkinson

072 Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

073 Chair Harper

Closes the work session on HB 3909A and opens a work session on HB 3187A.

HB 3187A WORK SESSION

085 Mike Dewey

Waste Management. Testifies in support of HB 3187A.

115 Sen. Courtney

MOTION: Moves HB 3187A to the floor with a DO PASS recommendation.

117 Sen. Minnis

Asks if it is cost effective to exempt the Oregon Economic and

122	Dewey	Community Development Commission. Responds affirmatively. VOTE: 6-0-1
134	Chair Harper	EXCUSED: 1 – Atkinson Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
137	Chair Harper	Closes the work session on HB 3187A and opens a work session HB 3782A.
<u>HB 3782A WORK SESSION</u>		
142	Linda Gardner	Representing various rental car companies. Testifies in support of HB 3782A and the –A2 amendments (EXHIBIT T).
158	Chair Harper	Asks if the bill benefits the Portland area.
162	Gardner	Responds affirmatively.
167	Sen. Brown	Asks how the City of Portland feels about HB 3782A.
169	Gardner	Responds the City of Portland is neutral.
178	Sen. Minnis	Relates a personal experience.
185	Gardner	Explains the –A2 amendments.
211	Sen. Minnis	Asks about the language in the –A2 amendments.
215	Gardner	Responds that legislative counsel chose the language for the amendments.
228	Chair Harper	MOTION: Moves to ADOPT HB 3782A-A2 amendments dated 6/1/01. VOTE: 6-0-1 EXCUSED: 1 – Atkinson
229	Chair Harper	Hearing no objection, declares the motion CARRIED.
230	Sen. Courtney	MOTION: Moves HB 3782A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 6-0-1 EXCUSED: 1 – Atkinson
234	Chair Harper	Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.
236	Chair Harper	Closes the work session on HB 3782A and opens a work session on HB 2980B.
<u>HB 2980B WORK SESSION</u>		
243	Chandler	Testifies in support of HB 2980B (EXHIBIT U).
255	Sen. Courtney	MOTION: Moves HB 2980B to the floor with a DO PASS recommendation. VOTE: 7-0
257	Chair Harper	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
263	Chair Harper	Closes the work session on HB 2980B and opens a work session on HB 3783.
<u>HB 3783 WORK SESSION</u>		
269	Monty King	Oregon Independent Auto Dealers Association. Testifies in support of HB 3783 (EXHIBIT V).
285	Sen. Minnis	Asks about the intent of the bill.
290	King	Responds by explaining the intention of the 1999 Legislation.
372	Sen. Courtney	MOTION: Moves HB 3783 to the floor with a DO PASS recommendation. VOTE: 6-0-1 EXCUSED: 1 - L Beyer
375	Chair Harper	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.

Submitted By,

Reviewed By,

Andrew Morris,
Committee AssistantCraig Allen,
Administrator**EXHIBIT SUMMARY**

- A – HB 3558, Written testimony, Jim Welsh, 1 p.**
- B – HB 3558, Written testimony and supporting materials, Jeanette Holman, 17 pp.**
- C – HB 2411, -A4 Amendments, Staff, 1 p.**
- D – HB 3686, -A5 Amendments, Staff, 6 pp.**
- E – HB 2370, Written testimony, Carl Myers, 3 pp.**
- F – HB 3925, Written testimony, Art Schlack, 2 pp.**
- G – HB 3925, Letter from American Planning Association, Staff, 1 p.**
- H – HB 3429, Report and letters, Rep. Janet Carlson, 24 pp.**
- I – HB 2976, Written testimony, Jon Chandler, 1 p.**
- J – HB 2976, -A4 Amendments, Staff, 2 pp.**
- K – HB 2867, Written testimony, J.L. Wilson, 1 p.**
- L – HB 2867, Written testimony, Don Schellenberg, 1 p.**
- M – HB 2867, Written testimony, David Nebel, 2 pp.**
- N – HB 2168, Written testimony, Dave McTeague, 10 pp.**
- O – HB 3835, Written testimony, Annette Talbott, 2 pp.**
- P – HB 2261, Written testimony, Jack Kinney, 1 p.**
- Q – HB 2057, Letter from Stan Bunn, Staff, 3 pp.**
- R – HB 2057, -A11 Amendments, Staff, 7 pp.**
- S – HB 3909, Written testimony, Doug Riggs, 7 pp.**
- T – HB 3782, Written testimony and the –A2 Amendments, Linda Gardner, 2 pp.**
- U – HB 2980, Written testimony, Jon Chandler, 1 p.**
- V – HB 3783, Written testimony, Monty King, 1 p.**