

HOUSE COMMITTEE ON AGENCY PERFORMANCE & OPERATIONS

April 20, 1999 Hearing Room E

8:15 a.m. Tapes 57 - 59

MEMBERS PRESENT: Rep. Jane Lokan, Chair

Rep. Kathy Lowe, Vice-Chair

Rep. Betsy Close

Rep. Dan Gardner

Rep. Tim Knopp

Rep. Jeff Kruse

Rep. Bob Montgomery

Rep. Kitty Piercy

STAFF PRESENT: Pat Zwick, Administrator

Susan M. Pettey, Administrative Support

MEASURES HEARD: SB 405A Work Session

HB 3581 Public Hearing

HB 3446 Work Session

HB 3035 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 57, A		
004	Chair Lokan	Opens the meeting at 8:00 a.m., and opens work session on SB 405A.
<u>SB 405A WORK SESSION</u>		

011	Pat Zwick	Committee Administrator. Summarizes provisions of SB 405A.
077	Rep. Close	Explains SB 405A-4 amendments (EXHIBIT A).
096	Rep. Montgomery	MOTION: Moves to ADOPT SB 405A-4 amendments dated 4/16/99.
		VOTE: 6-0 EXCUSED: 2 - Gardner, Kruse
Chair Lokan		Hearing no objection, declares the motion CARRIED.
109	Rep. Lowe	Asks what occurs if a government entity wants to buy this property. Expresses concern regarding state use of the property. Asks if the taxpayer will benefit by requiring a state agency to pay fair market value for the property.
144	Chair Lokan	Comments that proceeds from any sale would benefit the developmentally disabled population.
151	Zwick	Indicates there is nothing in SB 405A prohibiting a state agency from purchasing the property at fair market value.
174	Barry Kast	Administrator, Mental Health and Developmental Disability Services Division. Believes the language in SB 405A does not preclude the surplusing of this property. Describes the state agencies that have participated in the process of deciding the highest and best use of this property. Mentions that no state agency has come forward to indicate interest in the purchase of this property.
208	Chair Lokan	Comments that the sale proceeds are to be used for housing the developmentally disabled.
213	Kast	Indicates that was the intent in introducing SB 405A.
217	Rep. Montgomery	MOTION: Moves SB 405A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways & Means by prior reference.
		VOTE: 6 - 0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Gardner, Kruse

239	Chair Lokan	The motion CARRIES.
253	Chair Lokan	Closes the work session on SB 405A, and opens the public hearing on HB 3581.
<u>HB 3581 PUBLIC HEARING</u>		
261	Zwick	Summarizes the provisions of HB 3581. Explains the effects of the - 1 amendments (EXHIBIT B).
275	Charles Stern	Yamhill County Clerk. Speaks in support of HB 3581. Submits and summarizes written testimony (EXHIBIT C).
TAPE 58, A		
057	Stern	Indicates that most of HB 3581 is housekeeping, removing obsolete terms from statute and reflecting modern recording practices. (EXHIBIT B, pg. 1). Discusses the proposed amendments.
104	Rep. Lowe	Refers to HB 3581, page 1, line 31, Section 9. Asks for an explanation of the removal of nonremunerative considerations.
115	Stern	Indicates this is a policy issue, and that is why it is before the Legislature.
138	Rep. Lowe	Objects to this language in HB 3581.
144	Rep. Close	Refers to HB 3581, Section 24, page 11, lines 16, 18, and 23. Asks if \$5 per page is a reasonable fee, and why was that figure chosen.
148	Stern	Indicates that the \$5 fee is statutory. Explains that the proposed language is to provide consistency.
174	Chair Lokan	Refers to HB 3581, Section 24, page 12, line 8. Asks if it is reasonable to charge \$20 for recording a certificate.
183	Stern	Refers to "certificate under ORS 517.280." Indicates he is unsure what is required under ORS 517, and will report back to the committee.
188	Rep. Montgomery	Asks if the clerk's office distributes to the general fund or is general-fund supported. Asks if the clerk's office generates enough fees to be self-supporting.

193	Stern	Assumes Yamhill County will make a contribution to the general fund. Indicates that the contribution is market driven.
224	Stern	Discusses HB 3581, Section 17, which requires a county clerk to make a legible record out of an illegible record.
244	Rep. Montgomery	Asks who makes illegible documents readable.
251	Stern	Explains there are various levels of illegibility. Discusses microfilm, imaging scanning, and electronic recording.
271	Rep. Piercy	Asks about efforts to create uniform record keeping.
279	Stern	Talks about variations based on need. Discusses national recording standards.
301	Rep. Lowe	Asks about the additional \$5 fee assessed with fixing a legal description.
308	Stern	Explains the charge is per recorded page. Describes options to resolve this situation.
322	Stern	Refers to Section 24 (18), a new policy, which is dedicated to acquiring storage and retrieval systems. Discusses the fiscal impact of \$750,000, based on the assumption that HB 2139 and HB 3582 pass.
378	Chair Lokan	Asks for clarification of the fiscal impact.
381	Stern	Explains the fiscal impact.
385	Rep. Montgomery	Asks if a hard copy of the recording is retained.
388	Stern	Replies, no, that is the difference between filed and recorded. Explains that the original is returned to the party doing the recording.
404	Rep. Lowe	Comments that standardization would help. Expresses concerns about electronic recording and Y2K. Asks if land records can be lost.
415	Stern	Comments that presently there is no electronic recording in Yamhill County. Discusses long-term storage methods. Says Y2K presents no problems.
435	Rep. Close	Refers to HB 3581, Section 24 (18). Points out that three programs are exempted from the 5%. Asks why those three programs were selected.

448	Stern	Explains the reasons for selection.
477	Stern	Refers members to ORS Chapter 205 excerpt (EXHIBIT B, pg. 2).
TAPE 57, B		
048	Stern	Continues discussing the effects of HB 3581-1 amendments.
065	Chair Lokan	Asks for an explanation of HB 3581, Section 2.
068	Stern	Clarifies Section 2. Gives example of this added provision. Discusses conveyances.
084	Chair Lokan	Asks if HB 3581 is brought forward by agreement of all county clerks.
088	Stern	Responds affirmatively.
096	Chuck Pearson	Clackamas County Surveyor. Speaks in support of HB 3581.
101	Chair Lokan	Refers to language deletion in HB 3581, Section 17. Asks if that is included in the amended language.
108	Stern	Indicates this language is not in the proposed amendments.
115	Chair Lokan	Asks if there is required direction if that language is eliminated.
120	Stern	Indicates that the county clerks want to be relieved of the requirement they prepare the illegible copy.
129	Tyler Parsons	Professional Land Surveyors of Oregon. Speaks in support of HB 3581. Addresses the Land Corner Preservation Fund. Believes that the moneys made available by the counties for the Preservation Fund should be dedicated to the recovery and maintenance of land corners. Expresses concerns about the use of the fund for administrative purposes.
151	Greg Crites	Professional Land Surveyors of Oregon. Speaks in support of HB 3581. Provides background information on Section 24 (18). Believes that the n1 amendment represents compromise. Favors statewide uniform fee structure.
174	Chair Lokan	Asks if amendments are necessary.
177	Crites	Defers to the county surveyor. Perceives the fund as "sacred."

189	Chair Lokan	Asks if Mr. Crites is testifying in support of HB 3581, but with some reservations regarding the fund.
192	Crites	Responds affirmatively.
195	Rep. Lowe	Asks what is a Land Corner Preservation Fund.
204	Crites	Explains the purpose of the fund. Discusses the benefits to the public and land surveyors. Indicates that corners were established in the early 1800s. Explains efforts to preserve that information.
249	Chair Lokan	Asks if the Fund is used to preserve those corners.
252	Crites	Answers yes.
256	Barbara Kanz	Oregon Land Title Association. Expresses concern with HB 3581, Section 9. Discusses concerns with Section 17, the illegibility issue. Suggests titles companies can assist. Discusses problems with filings that occur late in the business day.
312	Rep. Montgomery	Asks for clarification regarding filing late in the business day.
320	Kanz	Expresses concern with time recording requirements.
326	Chair Lokan	Wants clarification of HB 3581, Sections 9 and 17, for work session at the next committee meeting.
337	Stern	Indicates a willingness to comply with Chair Lokan's suggestion.
346	Rep. Montgomery	Refers to HB 3581, page 11, line 23. Suggests a clean-up.
352	Chair Lokan	Encourages groups to work together to resolve the differences.
358	Kanz	Indicates there is no potential compromise on Section 9.
378	Stern	Offers to retain the language in Section 9, page 4, line 41, beginning with "however," through the end of line 44.
391	Kanz	Accepts this compromise.
419	Chair Lokan	Closes hearing on HB 3581, and opens work session on HB 3446.

HB 3446 WORK SESSION

435	Zwick	Explains the provisions of HB 3446.
TAPE 58, B		
045	Zwick	Explains the effects of the ñ1 amendments (EXHIBIT D) .
092	Rep. Montgomery	Indicates opposition to the Day Road prison site. Opposes the last line of the amendment.
101	Rep. Lokan	Indicates that HB 3446-1 amendments speak to where the prison should not be placed, rather than where it should be placed.
116	Rep. Gardner	Indicates opposition to HB 3446.
118	Rep. Lowe	Indicates opposition to HB 3446 because of the prison siting issue.
134	Rep. Kruse	Refers to Section 5 (4). Asks about the requirement to set aside 10 acres.
142	Chair Lokan	Explains the reasons for the 10-acre reservation.
151	Kast	Suggests a further amendment indicating that Department of Administrative Services (DAS) may reserve up to 10 acres, to allow for flexibility. Discusses the usual siting procedures for group homes in communities.
168	Rep. Kruse	Opines that Mental Health Division would have to do a fair market value acquisition of the land.
175	Kast	Agrees with Rep. Kruse.
180	Rep. Kruse	Indicates that the Mental Health Division may not need this provision, because they must compete for the property. Says this is not a necessary inclusion in the bill.
204	Rep. Close	Comments that if 10 acres are exempted from the sale, it is not necessary to purchase at fair market value. Suggests an amendment.
222	Rep. Montgomery	Opposes HB 3446 without the 10-acre set-aside.
237	Chair Lokan	Recognizes the difficulty of locating property to place group homes.

249	Rep. Kruse	Refers to HB 3446 Section 5 (1). Indicates this section makes HB 3446 a siting bill.
268	Rep. Montgomery	Agrees with Rep. Kruse.
271	Rep. Kruse	Wants to leave options open. Suggests deleting Section 5 (1).
298	Rep. Lowe	Agrees Dammasch should be sold at fair market value with the proceeds to be used for housing the chronically mentally ill. Indicates that language is necessary that will exclude this property from prison siting, with no economic consequence if the Governor chooses to site the prison at Dammasch.
316	Chair Lokan	Gives reasons that the committee needs to move HB 3446.
349	Zwick	Asks if members are going to give Legislative Council leeway to make adjustments if the references in Section 5 (1) are referred to in other parts of the bill.
357	Rep. Montgomery	Indicates that is the intent.
363	Rep. Lowe	Asks about a conceptual amendment, to allow movement out of committee, with language expressing that if the property is not used for prison siting, it must be sold at fair market value with proceeds dedicated to housing the mentally ill.
380	Rep. Kruse	Explains his opposition. Indicates that the mental health community suffered with the transfer of Dammasch property to Department of Corrections (DOC). Favors transferring the property back to Mental Health Division and "selling it properly."
391	Rep. Montgomery	MOTION: Moves to CONCEPTUALLY AMEND HB 3446 on page 3, line 22, by deleting "Section 5 (1)".
400	Chair Lokan	VOTE: 5-3 AYE: 5 - Close, Knopp, Kruse, Montgomery, Lokan NAY: 3 - Gardner, Lowe, Piercy
	Chair Lokan	The motion CARRIES.
422	Rep. Montgomery	MOTION: Moves HB 3446 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means by

		prior reference.
TAPE 59, A		
026		VOTE: 5-3 AYE: 5 - Close, Knopp, Kruse, Montgomery, Lokan NAY: 3 - Gardner, Lowe, Piercy
	Chair Lokan	The motion CARRIES.
034	Chair Lokan	Closes the work session on HB 3446, and opens the work session on HB 3035.
<u>HB 3035 WORK SESSION</u>		
043	Zwick	Summarizes provisions of HB 3035. Explains the effects of the -1 amendments. Discusses the fiscal impact.
058	Rep. Piercy	Asks why HB 3035 is not going to the Rules Committee in the context of other decisions being made about the rules process.
071	Chair Lokan	Indicates there has been no discussion regarding this issue.
093	Rep. Piercy	Comments that there are other decisions being made in that committee regarding the rules process.
111	Chair Lokan	Asks Pat Zwick to convey to Rules that HB 3035 is being worked on.
134	Rep. Kropf	House District 37. Explains provisions of HB 3035-1 amendments.
185	Rep. Kropf	Explains changes to HB 3035 per the ñ1 amendments.
199	Rep. Piercy	Refers to HB 3035, page 4, line 30a, the "shall" language instead of "may".
206	Rep. Kropf	Discusses the importance of "shall" being maintained in (b). Agrees that "may" is better language under (a).
226	Rep. Kruse	Indicates that this language is significant and should not be conceptually amended.

229	Rep. Montgomery	Suggests rescheduling HB 3035 for another work session.
237	Chair Lokan	Closes work session on HB 3035. Adjourns the meeting at 10:35 a.m.

Submitted By, Reviewed By,

Susan M. Pettey, Pat Zwick,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 405A, -4 amendments, staff, 1 p.

B ñ SB 3581, -1 amendments, staff, 2 pp.

C ñ HB 3581, written testimony w/attached repealed statutes, Charles Stern, 3 pp.

D ñ HB 3446, -1 amendments, staff, 4 pp.