

HOUSE COMMITTEE ON GENERAL GOVERNMENT

January 19, 1999 Hearing Room D

01:00 p.m. Tapes 2 ñ 3

MEMBERS PRESENT: Rep. Carl Wilson, Chair

Rep. Chris Beck, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Bruce Starr

Rep. Ron Sunseri

Rep. Terry Thompson

MEMBERS EXCUSED: Rep. Jason Atkinson, Vice-Chair

Rep. Steve Harper

STAFF PRESENT: Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

MEASURE/ISSUES HEARD: HB 2336 Public Hearing

HB 2389 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.

TAPE/#	Speaker	Comments

TAPE 2, A

005	Chair Wilson	Opens meeting at 1:03 p.m.
006	Cara Filsinger	Committee Administrator. Explains HB 2336 and HB 2389.
010	Chair Wilson	Opens public hearing on HB 2336.
<u>HB 2336 PUBLIC HEARING</u>		
015	Rep. Barbara Ross	State Representative, District 35. Explains HB 2336. Proposes possible budget options for Benton County in relation to cemetery maintenance. States this method is expensive and inefficient (EXHIBIT A) .
050	Rep. Ross	States with this legislation, cemetery maintenance districts could be established under ORS Chapter 451 as a county service district. Suggests that counties would have a realistic option of assuming control of cemetery maintenance. Supports passage of HB 2336. Relays support of Benton County, Association of Oregon Counties and the Special Districts Association of Oregon.
073	Robert F. Tarrant	Member of the Board of Directors of Crystal Lake Cemetery in Benton County (EXHIBIT B) . States that HB 2336 would allow every Oregon county government the option of establishing a county service district for cemetery maintenance. Indicates that membership in fraternal organizations is dwindling or disappearing.
115	Tarrant	Supports passage of HB 2336 that maintains cemeteries. Mentions that sale of burial plots is reduced due to cremation. Financial resources for upkeep are limited by low returns on safe investments required for the State-overseen perpetual care funds generated from plot sales
155	Rep. Sunseri	Inquires about the dates of the pioneer families buried in cemetery.
158	Tarrant	Responds that the date of birth on a tombstone is in the 1700s and mentions that Corvallis was chartered in 1857.
165	Chair Wilson	Asks typical costs of cemetery maintenance and what kinds of maintenance is required.
168	Tarrant	Reports several items including landscaping, protection against vandalism, technology for pumping water, upkeep on service buildings and a burial crypt. Explains passage will allow county government the option of cooperating with pioneer cemetery groups as they see fit.
195	Rep. Bowman	Asks how passage of measure will help to maintain the cemetery.

198	Tarrant	Replies that there would be a volunteer board from Corvallis. Indicates that there is sufficient interest to work on that board. States that assets of cemetery would be transferred to the county.
232	Ty Cochrane	President, Cemetery Association of Oregon. Supports bill. States smaller cemeteries definitely need attention to protect the heritage of those people whose family members are buried there. States that only the interest earned on an endowment is used to maintain a cemetery.
263	Burton Weast	Special Districts Association of Oregon. Supports bill. Notes that many of the larger cemeteries have an elected Board of Governors, while the smaller ones may only have one meeting per year. States that it would make sense for cemeteries to become a part of county government. Emphasizes that there is precedence in that there are already county service districts for other facilities such as sanitary districts. States that as of January 1, 1999, there is only one boundary commission left in Oregon.
290	Rep. Starr	Asks how many counties will take advantage of this.
303	Weast	Responds that the Eastern Oregon counties and some of the historic cemeteries.
313	Rep. Bowman	Asks why would county government want this to happen. Mentions that prior to this bill passing, it is done privately. Asks if creating a new taxing authority for the maintenance.
320	Weast	Responds no. States the bill effects existing taxing units and changes who governs a cemetery from elected board to county commission. Comments that the bill would save taxpayers money by eliminating the elected board.
338	Rep. Bowman	States that there may be disagreement with the bill's chief sponsor.
341	Rep. Ross	Agrees with Mr. Weast. Suggests that county could establish a new maintenance district and that the amount of demand would vary by county.
369	Art Schlack	Association of Oregon Counties. Supports bill. States they view this as an opportunity for the counties to view the issues with their citizens to consider whether it is necessary to establish a service district.
393	Chair Wilson	Closes public hearing on HB 2336.
398	Chair Wilson	Opens public hearing on HB 2389. Explains the bill.
<u>HB 2389 PUBLIC HEARING</u>		
407	Rep. Shetterley	State Representative, District 34. States the Old German Baptist Brethren Church

		is being forced to move. Indicates that Mr. Swearingen, a member of the congregation, has offered his farm in the Perrydale area as a location to build a new church, which is permitted under land use laws. Explains that what is not permitted is a land division.
451	Rep. Shetterley	States that Mr. Swearingen could grant the congregation the right to build the church on a corner of his property, but they cannot own the property. Indicates that in years hence, due to his demise or the sale of the property, the church could have a new landlord. Reports he is a strong supporter of land use planning and laws in Oregon and the amendment (EXHIBIT C) would provide one further limitation that the remaining lot or parcel must still meet the minimum law of parcel size requirements.
TAPE 3, A		
040	Rep. Sunseri	States that if the church decides to sell the property, it creates a situation where they have two lots of record.
040	Ronald Eber	Rural Land Specialist, Department of Land Conversation Development. Remarks that once the parcel is partitioned, it is a separate parcel and it remains so under Oregon law, unless re-consolidated (EXHIBIT D).
056	Rep. Sunseri	Asks about future use of property if sold.
063	Eber	Explains that the remaining parcel and structure would be available for any of the uses in an exclusive farm use zone. Points out that there are twenty to thirty uses that are available.
070	Rep. Bowman	Asks is there a desire to add a cemetery later.
072	Swearingen	States no.
074	Rep. Beck	Asks if there is a way for the current owner to place a permanent deed restriction on parcel or place a restriction that only a church could be used on this property.
086	Rep. Shetterley	States he thinks it could but he is not sure it would resolve the problems. Comments that if it were restricted in such a way, then it couldn't be used for a school or some of the other allowable uses.
105	Dale Swearingen	Resident, Polk County. Explains that he owns 94 acres, of which the church wants no more than 3 acres. States that the church has met all criteria to build church, except cannot divide land.
123	Rep. Beck	Asks has congregation explored other avenues for sites.

138	Swearingen	States that money and tradition have limited building locations.
167	Rep. Bowman	Asks if looking for legal titles and whether the property is going to change ownership.
170	Swearingen	Responds no.
179	Rep. Beck	Asks in regards to land use would they decide to use land for something else.
197	Eber	States there are other numerous uses allowed in a farm zone.
201	Rep. Beck	Asks how to build a non-farm dwelling.
211	Eber	Responds may or may not be eligible; HB 2389ñ1 amendments (EXHIBIT C), church would have to be approved before land division, similar to other uses allowed the farm zone.
248	Rep. Sunseri	States cannot use a 501(c)(3) organization with a life estate. Responds that the only way to do it is the way it's being proposed. Comments that a building permit would not be issued until the church has a lot of record.
270	Jim Johnson	Department of Agriculture. Supports HB 2389 if amended (EXHIBIT E).
281	Rep. Deckert	Asks if without the amendment would they have been opposed to the bill.
285	Johnson	States that they weren't opposed to the bill, but suggested some amendments to address concerns.
286	Rep. Deckert	Asks that you were looking for amendments similar to the amendments delivered today.
289	Johnson	States that is correct.
290	Rep. Starr	Asks who makes the decision about parcel size.
291	Johnson	Explains size is decided by the county.
305	Blair Batson	1,000 Friends of Oregon. Describes history and the reason for their association. Opposes HB 2389 (EXHIBIT F).
379	Rep. Beck	Asks proponents of HB 2389 to provide visuals.

Submitted By, Reviewed By,

Faye D. Trupka, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2336, written testimony, Rep. Barbara Ross, 4 pp

B ñ HB 2336, written testimony, Robert Tarrant, 1 p

C ñ HB 2389-1, proposed amendment to HB 2389, Rep. Lane Shetterley, 1 p

D ñ HB 2389, written testimony, Ron Eber, 2 pp

E ñ HB 2389, written testimony, Jim Johnson, 1 p

F ñ HB 2389, written testimony, Blair Batson, 2 pp