

HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 4, 1999 Hearing Room D

1:15 p.m. Tapes 80 - 81

MEMBERS PRESENT: Rep. Carl Wilson, Chair

Rep. Jason Atkinson, Vice-Chair

Rep. Chris Beck, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Steve Harper

Rep. Bruce Starr

Rep. Ron Sunseri

MEMBERS EXCUSED: Rep. Terry Thompson

STAFF PRESENT: Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

MEASURE/ISSUES HEARD: HB 2743 Work Session

HJR 2 Work Session

HB 2658 Work Session

HB 2474 Work Session

HB 3469 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 80, A

004	Chair Wilson	Opens meeting at 1:23 p.m. and opens work session on HB 2743.
<u>HB 2743 WORK SESSION</u>		
010	Cara Filsinger	Administrator. Explains HB 2743.
019	Rep. Kevin Mannix	Representative, House District 32. Explains HB 2743-2 amendments (EXHIBIT A). Gives history of the Capitol Planning Commission. Explains that the state has identified 2,000 acres of property which can be used in development or for conservation. States public concerns over the disposition of the property.
069	Rep. Mannix	States that HB 2743-2 amendments clarify that the Capitol Planning Commission has the authority to choose the method of disposal of the property. Recommends that the subsequent referral to Ways and Means be rescinded.
090	Rep. Bowman	Asks about the Capitol Planning Commission's veto authority detailed in a prior hearing and if they make the final decision.
097	Rep. Mannix	Replies no. States that the ultimate decision is made by the legislature.
104	Mayor Mike Swaim	City of Salem. Testifies in opposition to HB 2743 and HB 2743-2 amendments. States that a task force has been developing a model process to encourage and ensure cooperative effort and collaboration between city and state governments.
154	Swaim	Describes his concern that the City of Salem will lose control of the planning process.
168	Rep. Bowman	Asks if HB 2743-2 amendments are passed what will happen to the year-long process with which the city has been involved.
174	Swaim	Replies that HB 2743-2 amendments call into question the entire process. Asks why the city needs advice from the Capitol Planning Commission.
188	Rep. Bowman	Asks if the city would go to the Capitol Planning Commission with current plans and when that would occur.
193	Swaim	Replies that the city has invited the Capitol Planning Commission to participate. States that the city would continue to coordinate with the Capitol Planning Commission.
207	Rep. Harper	Asks if the city is against adding disposition of properties or if the city is against the Capitol Planning Commission.

213	Swaim	Replies that he is not against the existence of the Capitol Planning Commission.
218	Rep. Harper	Asks if the city is against disposition of property.
219	Swaim	Responds yes. States that if HB 2743 is passed that the Capitol Planning Commission would have veto power.
239	Chair Wilson	Asks how the two processes would mesh.
243	Rep. Mannix	States that the Capitol Planning Commission is not a substitute for community input. Explains that the Capitol Planning Commission will be sensitive to hearing from people in the county as well as the city.
263	Rep. Bowman	Asks who would be included in the Capitol Planning Commission who has not previously been involved in conversations.
271	Rep. Mannix	Replies that Marion County, City of Salem Planning Department, Department of Transportation, Department of Corrections, Parks and Recreation Department, Department of Environmental Quality, and the Department of Human Resources should have input on issues.
296	Rep. Bowman	Asks if the City of Salem has been involved in the process.
298	Swaim	Replies that the City of Salem, conservation groups, the Department of Environmental Quality, the Department of Fish and Wildlife and other groups have been invited to meetings and have participated. States that section 3, lines 25 and 26 is a concern to the city and asks that it be deleted from the bill.
329	Rep. Atkinson	MOTION: Moves to ADOPT HB 2743-2 amendments dated 04/01/99.
		VOTE: 6-1 AYE: 6 - Atkinson, Beck, Harper, Starr, Sunseri, Wilson NAY: 1 n Bowman EXCUSED: 2 n Deckert, Thompson
	Chair Wilson	The motion Carries.
340	Rep. Atkinson	MOTION: Moves HB 2743 to the floor with a DO PASS

		AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
		VOTE: 6-1 AYE: 6 - Atkinson, Beck, Harper, Starr, Sunseri, Wilson NAY: 1 - Bowman EXCUSED: 2 - Deckert, Thompson
	Chair Wilson	The motion Carries. REP. MANNIX will lead discussion on the floor.
349	Chair Wilson	Closes work session on HB 2743 and opens work session on HJR 2.
<u>HJR 2 WORK SESSION</u>		
359	Rep. Mannix	Explains HJR 2-1 amendments (EXHIBIT B) and HJR 2-4 amendments (EXHIBIT C).
391	Rep. Sunseri	Asks if HJR 2-1 amendments are needed.
400	Filslinger	Replies that both HJR 2-1 amendments and HJR 2-4 amendments are needed.
411	Rep. Sunseri	MOTION: Moves to ADOPT HJR 2-1 amendments dated 02/11/99.
412	Rep. Bowman	States objection.
		VOTE: 5-1 AYE: 5 - Atkinson, Harper, Starr, Sunseri, Wilson NAY: 1 - Bowman EXCUSED: 3 - Beck, Deckert, Thompson

	Chair Wilson	The motion Carries.
415	Rep. Sunseri	MOTION: Moves to ADOPT HJR 2-4 amendments dated 04/12/99.
417	Rep. Bowman	States objection.
		VOTE: 5-1 AYE: 5 - Atkinson, Harper, Starr, Sunseri, Wilson NAY: 1 - Bowman EXCUSED: 3 - Beck, Deckert, Thompson
	Chair Wilson	The motion Carries.
419	Rep. SUNSERI:	MOTION: Moves HJR 2 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 5-1 AYE: 5 - Atkinson, Harper, Starr, Sunseri, Wilson NAY: 1 - Bowman EXCUSED: 3 - Beck, Deckert, Thompson
	Chair Wilson	The motion Carries. REP. MANNIX will lead discussion on the floor.
425	Chair Wilson	Closes work session on HJR 2 and recesses meeting at 1:43 p.m.
427	Chair Wilson	Reopens meeting at 1:53 p.m. and opens work session on HB 2658.
<u>HB 2658 WORK SESSION</u>		

434	Jon Chandler	Oregon Building Industry Association. Explains HB 2658-3 (EXHIBIT D) amendments. Describes inclusionary zoning. Testifies in support of HB 2658-3 amendments.
TAPE 81, A		
015	Rep. Bowman	Asks for clarification of which bill is being heard.
018	Chair Wilson	Replies that the work session is on HB 2658.
020	Rep. Atkinson	MOTION: Moves to ADOPT HB 2658-3 amendments dated 04/23/99.
024	Rep. Bowman	States objection.
		VOTE: 7-1 AYE: 7 - Atkinson, Beck, Deckert, Harper, Starr, Sunseri, Wilson NAY: 1 - Bowman EXCUSED: 1 - Thompson
	Chair Wilson	The motion Carries.
030	Rep. Atkinson	MOTION: Moves HB 2658 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-3 AYE: 5 - Atkinson, Harper, Starr, Sunseri, Wilson NAY: 3 - Beck, Bowman, Deckert EXCUSED: 1 - Thompson
	Chair Wilson	The motion Carries.

		REP. LEWIS will lead discussion on the floor.
035	Rep. Beck	Serves notice of minority report.
040	Chair Wilson	Closes work session on HB 2658 and opens work session on HB 2474.
<u>HB 2474 WORK SESSION</u>		
042	Jon Chandler	Oregon Building Industry Association (OBIA). Explains HB 2474-3 hand engrossed amendments (EXHIBIT E). Testifies in support of HB 2474-3 amendments.
090	Rep. Beck	Asks if this effects a third party appeal.
099	Chandler	Replies that it only effects appeals by the property owner and does not effect other issues.
101	Rep. Beck	Asks how compensation would be defined if a developer accepts the decision, but appeals the condition and starts the development and later finds that the condition was illegal.
108	Chandler	Replies that the developer can not wait one year to sue. States that HB 2474 specifically provides a shorter time period for inverse condemnation.
135	Rep. Bowman	MOTION: Moves to ADOPT HB 2474-3 amendments dated 04/29/99 and that the amendments be FURTHER AMENDED on page 1, line 19, deleting "subsection (2) of" and on page 1, line 24, deleting "sub-" and on page 2, line 1, deleting "section (2)".
		VOTE: 8-0 AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson EXCUSED: 1 - Thompson
	Chair Wilson	The motion Carries.

155	Rep. Bowman	MOTION: Moves HB 2474 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0 AYE: 8 - Atkinson, Beck, Bowman, Deckert, Harper, Starr, Sunseri, Wilson EXCUSED: 1 - Thompson
	Chair Wilson	The motion Carries. REP. BOWMAN will lead discussion on the floor.
160	Rep. Bowman	Compliments Chandler for the hard work.
164	Chair Wilson	Closes work session on HB 2474 and opens work session HB 3469.
<u>HB 3469 WORK SESSION</u>		
166	Rep. Bruce Starr	Representative, House District 3. Explains HB 3469-3 amendments (EXHIBIT F) and urges support. Explains HB 3469-5 amendments (EXHIBIT G) and urges support. States that there is significant fiscal impact and suggests that the bill be forwarded to the Ways and Means Committee.
205	Rep. Bowman	Asks about the significant fiscal impact.
211	Rep. Starr	Replies that the Department of Justice states that there will be significant cases that they will have to defend.
235	Rep. Atkinson	MOTION: Moves to ADOPT HB 3469-3 amendments dated 04/19/99.
237	Rep. Bowman	States objection.
		VOTE: 7-1 AYE: 7 - Atkinson, Beck, Deckert, Harper, Starr, Sunseri, Wilson

		<p>NAY: 1 - Bowman</p> <p>EXCUSED: 1 - Thompson</p>
	Chair Wilson	The motion Carries.
239	Rep. Atkinson	MOTION: Moves to ADOPT HB 3469-5 amendments dated 05/03/99.
241	Rep. Bowman	States objection.
		<p>VOTE: 7-1</p> <p>AYE: 7 - Atkinson, Beck, Deckert, Harper, Starr, Sunseri, Wilson</p> <p>NAY: 1 - Bowman</p> <p>EXCUSED: 1 - Thompson</p>
	Chair Wilson	The motion Carries.
245	Rep. Atkinson	MOTION: Moves HB 3469 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		<p>VOTE: 5-3</p> <p>AYE: 5 - Atkinson, Harper, Starr, Sunseri, Wilson</p> <p>NAY: 3 - Beck, Bowman, Deckert</p> <p>EXCUSED: 1 - Thompson</p>
	Chair Wilson	The motion Carries.
252	Chair Wilson	Closes work session on HB 3469 and adjourns at 2:13 p.m.

Submitted By, Reviewed By,

Faye D. Trupka, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2743, HB 2743-2 amendments, Rep. Kevin Mannix, 3 pp.

B ñ HJR 2, HJR 2-1 amendments, Rep. Kevin Mannix, 1 p.

C ñ HJR 2, HJR 2-4 amendments, Rep. Kevin Mannix, 1 p.

D ñ HB 2658, HB 2658-3 amendments, Jon Chandler, 1 p.

E ñ HB 2474, written testimony, Jon Chandler, 1 p.

F ñ HB 3469, HB 3469-3 amendments, Rep. Bruce Starr, 1 p.

G ñ HB 3469, HB 3469-5 amendments, Rep. Bruce Starr, 1 p.