

## SENATE COMMITTEE ON PUBLIC AFFAIRS

July 1, 1999 Hearing Room B

4:00 p.m. Tapes 82 - 83

**MEMBERS PRESENT:** Sen. Charles Starr, Chair

Sen. Joan Dukes, Vice-Chair

Sen. Marylin Shannon

Sen. Thomas Wilde

Sen. Veral Tarno

**STAFF PRESENT:** Sandy Thiele-Cirka, Administrator

Patrick Brennan, Administrative Support

**MEASURES HEARD:** HB 2007-A Work Session

SB 1333 Public Hearing and Work Session

SB 1330 Reconsideration 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.

TAPE/#	Speaker	Comments
<b>TAPE 82, A</b>		
002	Chair Starr	Calls the meeting to order at 4:06 p.m. Opens a work session on HB 2007-A.
<b><u>HB 2007-A WORK SESSION</u></b>		
008	Sandy Thiele-Cirka	Committee Administrator. Gives a brief description of the bill. Presents the ñA27 amendments ( <b>EXHIBIT A</b> ).

024	Sen. Dukes	Comments that the bill should not be moved at this time, as the tobacco settlement money is still involved in budget negotiations. Applauds the creation of a fund for issues related to human resources and acknowledges that the tobacco settlement money should be spent on health issues.
052	Sen. Tarno	Concurs with Sen. Dukes, adding that he is willing to send the bill to the floor despite his reservations.
055	Sen. Tarno	<b>MOTION: Moves to ADOPT HB 2007-A27 amendments dated 6/21/99.</b>
058		<b>VOTE: 4-1</b> <b>AYE: 4 - Shannon, Tarno, Wilde, Starr</b> <b>NAY: 1 - Dukes</b>
	Chair Starr	<b>The motion CARRIES.</b>
062	Sen. Tarno	<b>MOTION: Moves HB 2007-A to the floor with a DO PASS AS AMENDED recommendation.</b>
067		<b>VOTE: 4-1</b> <b>AYE: 4 - Shannon, Tarno, Wilde, Starr</b> <b>NAY: 1 - Dukes</b>
	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. ADAMS will lead discussion on the floor.</b>
073	Chair Starr	Closes the work session on HB 2007-A and opens a public hearing on SB 1333.
<b><u>SB 1333 PUBLIC HEARING</u></b>		
076	Sen. Wilde	Expresses concern about responsibility for the cost of developing infrastructure and its effect on the business and personal decisions of the developer. Asserts that changing the percentage allocation for cost responsibility is unfair.

092	Dave Hunnicutt	Representative, Oregonians in Action. Testifies in support of SB 1333. Indicates that he has submitted the ñ2 amendments ( <b>EXHIBIT B</b> ) for consideration by the committee. Offers an explanation of local improvement districts (LIDs). States that local governments currently have the ability to alter the cost burden. Submits it is wrong to force landowners to pay a greater percentage than they originally agreed to.
141	Hunnicutt	Reviews the ñ2 amendments will allow local governments to continue reapportioning costs for LIDs: <ul style="list-style-type: none"> <li>• The change in methodology is agreed to by all property owners in the district</li> <li>• The change is necessary to achieve "a substantial public interest"</li> </ul>
188	Hunnicutt	Acknowledges that section 2 is controversial, in that it applies the bill to LIDs formed after the bill takes effect as well as those formed prior to 1985. Mentions that the section was added to address a specific LID in Tigard.
207	Sen. Dukes	Comments and notes concerns with "substantial public interest" language.
212	Hunnicutt	Replies that case law helps define the public interest.
224	Sen. Dukes	States that the retroactive portion of the bill is likely to be misunderstood by the public. Questions the fairness of altering LIDs agreed to 15 years ago to comply with new stipulations.
248	Sen. Wilde	Requests confirmation that the allocation decision in the Tigard case took 10 years to implement.
263	Chuck Corrigan	Attorney, Ramis Crew Corrigan & Bachrach. Testifies in opposition to section 2 of the ñ2 amendments to SB 1333 ( <b>EXHIBIT C</b> ). Describes the Tigard Dartmouth LID case. Discusses concerns and asserts that the circuit court should address the issue.
320	Hunnicutt	Indicates that an LID would have to have been formed prior to 1985 and still be in effect for the bill to apply. Says a participant in an LID has 60 days to file a writ of review, reducing the likelihood that any challenges will take place.
351	Sen. Dukes	Inquires whether the Seaside LID falls into that category.
353	Hunnicutt	Replies that he does not have that information. Reiterates that the city would only have to demonstrate a substantial public interest in order to make the change. Offers an example of shifting the financial burden for an LID.
394	Sen. Dukes	Inquires whether Hunnicutt represents one of the claimants.
395	Hunnicutt	Replies that his firm represents the father. Recommends a conceptual alteration

		to the ñ2 amendments requested by the counties and cities.
<b>TAPE 83, A</b>		
018	Lynn McNamara	Representative, League of Oregon Cities (LOC). Testifies in support of the ñ2 amendments to SB 1333. States the question is whether the legislature wishes to become involved in a pending court case. Echoes Sen. Dukesí statement that the problem is not ongoing. Acknowledges concerns with retroactivity.
036	Chair Starr	Closes the public hearing on SB 1333 and opens a work session on SB 1333.
<b><u>HB 1333 WORK SESSION</u></b>		
040	Sen. Wilde	<b>MOTION: Moves to AMEND SB 1333-2 amendments dated 7/1/99 on line 11, by deleting "." after "substantial public interest" and inserting "or to avoid a substantial inequity."</b>
		<b>VOTE: 5-0</b>
	Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>
052	Sen. Wilde	<b>MOTION: Moves to ADOPT AS AMENDED SB 1333-2 amendments dated 7/1/99.</b>
055		<b>VOTE: 4-1</b> <b>AYE: 4 - Shannon, Tarno, Wilde, Starr</b> <b>NAY: 1 - Dukes</b>
	Chair Starr	<b>The motion CARRIES.</b>
063	Sen. Wilde	<b>MOTION: Moves SB 1333 to the floor with a DO PASS AS AMENDED recommendation.</b>
067		<b>VOTE: 4-1</b> <b>AYE: 4 - Shannon, Tarno, Wilde, Starr</b> <b>NAY: 1 - Dukes</b>

	Chair Starr	<p>The motion CARRIES.</p> <p>SEN. WILDE will lead discussion on the floor.</p>
077	Chair Starr	Closes the work session on SB 1333. Declares the meeting to be in recess until 4:55 p.m.
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079	Chair Starr	Reconvenes the meeting at 5:00 p.m. Opens a work session on HB 1330.
<b><u>SB 1330 WORK SESSION</u></b>		
086	Sen. Shannon	<b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 1330.</b>
090		<p><b>VOTE: 4-0-1</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 1 - Dukes</b></p>
	Chair Starr	The motion CARRIES.
098	Sen. Shannon	<b>MOTION: Moves to RECONSIDER the vote by which SB 1330 was sent to the floor with a DO PASS AS AMENDED recommendation.</b>
102		<p><b>VOTE: 5-0</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p>
	Chair Starr	The motion CARRIES.
110	Sen. Shannon	Explains that previous committee action accidentally removed a section of the bill that clarified that the partial birth procedure is not an abortion. Clarifies the

		partial birth procedure. Gives an overview of the 11 amendments ( <b>EXHIBIT D</b> ). Mentions that the lesser penalty for first time offenses has been removed by the amendments.
148	Sen. Wilde	Requests clarification regarding a breathing baby.
155	Sen. Shannon	Provides a description of the procedure. Reiterates that the procedure is different from abortion.
169	Sen. Tarno	Inquires whether other states differentiate between abortion and partial birth infanticide.
172	Sen. Shannon	Replies that no other state makes a differentiation. Argues that <i>Roe v. Wade (1973)</i> does not protect procedures performed on a baby after birth has occurred.
174	Sen. Tarno	Comments that the bill simply makes the term more focused.
176	Shannon	States that the Supreme Court has never allowed taking the life of a baby after it has been born. Contrasts partial birth infanticide and intact dilation abortion procedures.
215	Sen. Tarno	<b>MOTION: Moves to ADOPT SB 1330-11 amendments dated 7/1/99.</b>
217		<b>VOTE: 5-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Starr	<b>The motion CARRIES.</b>
220	Sen. Tarno	<b>MOTION: Moves SB 1330 to the floor with a DO PASS AS AMENDED recommendation.</b>
223		<b>VOTE: 5-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Starr	<b>The motion CARRIES.</b>

		<b>SEN. SHANNON will lead discussion on the floor.</b>
225	Chair Starr	Closes the work session on SB 1330 and adjourns at 5:10 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Sandy Thiele-Cirka,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ HB 2007, -A27 amendments, staff, 1 p.**

**B ñ SB 1333, -2 amendments, Dave Hunnicutt, 1 p.**

**C ñ SB 1333, testimony, Charles Corrigan, 1 p.**

**D ñ SB 1330, -11 amendments, staff, 1 p.**