

SENATE COMMITTEE ON RULES AND ELECTIONS

June 15, 1999 Hearing Room B

8:00 a.m. Tapes 97 ñ 98

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Marilyn Shannon, Vice-Chair

Sen. Lee Beyer

Sen. Peter Courtney

Sen. Veral Tarno

MEMBER EXCUSED:

STAFF PRESENT: Sandy Thiele-Cirka, Administrator

Marjorie Taylor, Administrator

Ray Kelly, Administrator

Brian E. Smith, Administrator

Carol Rives, Administrator

Gary Roulier, Administrative Support

MEASURE/ISSUES HEARD: HB 3609 Public Hearing and Work Session

HB 3371A Work Session

HB 2658A Work Session

HB 2885A Work Session

HB 2162A Public Hearing and Work Session

HJR 68 Public Hearing and Work Session

HB 2775A Public Hearing and Work Session

TAPE/#	Speaker	Comments
TAPE 97, A		
000	Chair Starr	Opens meeting at 8:00 a.m. and opens a work session on HB 3609.
<u>HB 3609 PUBLIC HEARING</u>		
012	Sen. David Nelson	Senate District 29. Testifies in support of HB 3609 which exempts certain rivers from wild fish policy of State Department of Fish and Wildlife.
038	Sen. Tarno	Asks for an opinion on the ñ6 amendments.
045	Sen. Nelson	Responds that he supports the ñ6 amendments.
054	Doug Riggs	Coalition for Responsible River Uses. Presents (EXHIBIT A) and testifies in support of HB 3609.
087	Louie Pitt	Director, Government Relations, Warm Springs Tribe. Testifies in support of HB 3609. Reviews treaty rights granted to the tribe.

144 Rep. Jason Atkinson House District 51. Presents (**EXHIBIT B**) and testifies in support of HB 3609. Explains the provisions of the ñ6 amendments.

164 Sen. Joan Dukes Senate District 1. Testifies in support of HB 3609. Notes that the bill is a compromise between all stakeholders.

194 Chair Starr Closes the public hearing on HB 3609Aand opens a work session on HB 3609.

HB 3609 WORK SESSION

200 Sen. Courtney **MOTION: Moves to ADOPT HB 3609-6 amendments dated 6/14/99 (EXHIBIT B).**

VOTE: 5-0

AYE: In a roll call vote, all members present vote Aye.

Chair Starr **The motion CARRIES.**

217 **Sen. Courtney** **MOTION: Moves HB 3609 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 5-0

AYE: In a roll call vote, all members present vote Aye.

Chair Starr **The motion CARRIES.**

SEN. NELSON will lead discussion on the floor.

233 **Chair Starr** **Closes the work session on HB 3609 and opens a work session on HB 3371A.**

HB 3371A WORK SESSION

238 **Sen. Beyer** **MOTION: Moves HB 3371A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.**

VOTE: 5-0

AYE: In a roll call vote, all members present vote Aye.

Chair Starr **The motion CARRIES.**

249 **Chair Starr** **Closes the work session on HB 3371A and opens a work session on HB 2658A.**

HB 2658A WORK SESSION

256 **Marjorie Taylor** **Administrator. Explains the provisions of HB 2658A which prohibits local government land use regulation or functional plan provision that sets housing price or requires sale to particular class or group. Presents (EXHIBIT C) and explains the provisions of the ñA4 amendments.**

258 **Sen. Beyer** **MOTION: Moves to ADOPT HB 2658A-4 amendments dated 5/24/99 (EXHIBIT C).**

Chair Starr **Hearing no objection, declares the motion CARRIED.**

281 Sen. Tarno **MOTION: Moves HB 2658A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 4-1

AYE: 4 - Beyer, Tarno, Shannon, Starr

NAY: 1 - Courtney

Chair Starr

The motion CARRIES.

SEN. STARR will lead discussion on the floor.

303 Chair Starr Closes the work session and opens a work session on HB 2885A.

HB 2885A WORK SESSION

306 Ray Kelly Administrator. Presents (**EXHIBIT D**) and explains the provisions of the ñA3 amendments.

327 Chair Starr Outlines that the purpose of the ñA3 amendments is to restore the original intent of the bill.

359 Sen. Tarno **MOTION: Moves to ADOPT HB 2885A-3 amendments dated 6/15/99 (EXHIBIT D).**

367 Sen. Beyer Asks for input from the Department of Land Conservation and Development (DLCD).

376 Bob Rindy DLCD. Presents (**EXHIBIT E**) and testifies in opposition to HB 2885A. Explains that timber companies are not interested in purchasing smaller lots of timberland that contain dwellings.

TAPE 98, A

010 Sen. Beyer Asks if the witness foresees future pressures on the legislature to allow the development of these smaller parcels.

016 Rindy Responds that will probably be the result.

021 Sen. Tarno Asks if the witness has seen the ñA3 amendments.

027 Rindy Responds that he has not had time to study the amendments. Adds that there is generally no need for a second dwelling on a forest parcel.

038	Sen. Tarno	Asks if this bill seems to address an individual hardship.
041	Rindy	Restates that he has not had an opportunity to study the proposed amendment. Adds that manufactured dwellings are allowed on farmlands in the event of hardship.
049	Sen. Beyer	Asks if counties are able to grant exceptional use or conditional use permits for additional dwellings.
062	Rindy	Responds that those conditional uses are permitted in farmlands but not on timberlands.
066	Rep. Roger Beyer	House District 28. Testifies in support of HB 2885A. Emphasizes that the language of the bill only allows a second dwelling for a family member.
087	Chair Starr	Asks if DLCD remains opposed even when the bill only allows for a second dwelling for a family member.
090	Rindy	Responds that is correct because the language of the bill may allow a permanent dwelling.
098	Sen. Tarno	Suggests that the second dwelling be defined as a "temporary hardship dwelling."
109	Rep. Beyer	Comments that the language is already tightly written. Adds that the phrase "temporary hardship" would be too narrow since the management of forestland is a long-term commitment.
125	Sen. Tarno	Relates a situation with a hardship dwelling that had been in place for more than fifteen years.
132	Sen. Shannon	Comments that it is not the government's business to legislate how many dwellings may be included on a forestland parcel.
150	Sen. Beyer	States that the bill should define a temporary dwelling. Adds that this could open this forestland for unlimited development.
158	Rindy	Explains that statutes already authorize a temporary hardship dwelling on forestland. Reiterates that the bill, as written, would authorize a permanent dwelling.
160	Sen. Shannon	Asks what the DLCD position would be if the language were changed to indicate "as long as" the new dwelling would be occupied by a relative rather than "if."
171	Rindy	Responds that permanent dwellings are "permanent" whether or not they are occupied by a relative. Adds that it would be impossible for a county to enforce the requirement for the residents to be involved in the management of the parcel.

187 Rep. Beyer Points out that the language is permissive rather than a mandate. Relates examples in his district where timber companies have bulldozed homes on forestland parcels they have purchased.

230

VOTE: 3-1

AYE: 3 - Shannon, Tarno, Starr

NAY: 1 - Beyer

EXCUSED: 1 - Courtney

Chair Starr

The motion CARRIES.

238

Sen. Tarno

MOTION: Moves HB 2885A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-1

AYE: 3 - Shannon, Tarno, Starr

NAY: 1 - Beyer

EXCUSED: 1 - Courtney

Chair Starr

The motion CARRIES.

SEN. TARNO will lead discussion on the floor.

See Tape 98, A @ 402 for Sen. Courtney's final vote on HB 2885A.

245

Chair Starr

Closes the work session and opens a public hearing HB 2162A.

HB 2162A PUBLIC HEARING

271

Martha Pagel

Director, Oregon Water Resources Department. Presents (**EXHIBIT F**) and testifies in support of HB 2162A which converts hydroelectric water rights to in-stream water rights in certain circumstances. Reviews efforts of a task force to reach consensus.

327

Pagel

Presents (**EXHIBIT G**) and explains the provisions of the A6 amendments.

341

Sen. Beyer

Asks if there is any opposition to the bill.

346

Pagel

Answers that there is no opposition. Notes the bill needs to be referred to the Ways and Means Committee.

362 Chair Starr Closes the public hearing and opens a work session on HB 2162A.

HB 2162A WORK SESSION

365 Sen. Beyer **MOTION: Moves to ADOPT HB 2162A-6 amendments dated 6/10/99 (EXHIBIT G).**

Chair Starr **Hearing no objection, declares the motion CARRIED.**

371 Sen. Beyer **MOTION: Moves HB 2162A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.**

VOTE: 4-1

AYE: 4 - Beyer, Courtney, Tarno, Starr

NAY: 1 - Shannon

Chair Starr **The motion CARRIES.**

402 Sen. Courtney **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. COURTNEY to BE RECORDED as voting NAY on the motion "Moves HB 2885A to the floor with a DO PASS AS AMENDED recommendation."**

Chair Starr **Hearing no objection, declares the motion CARRIED.**

406 Chair Starr Closes the work session and opens a public hearing on HJR 68.

TAPE 97, B

HJR 68 PUBLIC HEARING

007 Kevin Winthrop Physician, Multnomah County. Presents (**EXHIBIT I**) and testifies in support of HJR 68 which designates the Pacific Golden Chanterelle as the state mushroom. Reviews the commercial importance of the chanterelle to the economy of Oregon.

055 Sen. Beyer Asks about the value of the total crop harvested in Oregon.

058 Winthrop Responds that total annual value of the mushroom industry in Oregon is approximately \$25 million.

074	Rep. Chris Beck	House District 12. Testifies in support of HJR 68. Remarks that this would be a worthy addition to the list of state symbols.
094	Sen. Shannon	Asks Rep. Beck if he would object to adding Sen. Tarno as a sponsor of the bill.
105	Rep. Beck	Responds that he would have no objection to the addition of Sen. Tarno as a sponsor.
108	Sen. Beyer	Asks if the chanterelle is grown commercially.
112	Maggie Rogers	Editor, Mushroom Journal. Answers that there are studies underway to determine if the mushroom can be grown commercially. Reviews recent studies on the commercial harvesting of the mushrooms.
136	Chair Starr	Closes the public hearing and opens a work session on HJR 68.

HJR 68 WORK SESSION

138	Sen. Courtney	MOTION: Moves HJR 68 be sent to the floor with a BE ADOPTED recommendation.
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VOTE: 5-0

AYE: In a roll call vote, all members present vote Aye.

Chair Starr	The motion CARRIES.
	SEN. COURTNEY AND SEN. TARNO will lead discussion on the floor.

151	Chair Starr	Closes the work session and opens a public hearing on HB 2775A.
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HB 2775A PUBLIC HEARING

166	Charles Stern	Yamhill County Clerk. Presents (EXHIBIT J) and testifies in support of HB 2775A which deletes the exemption from county recording fees for the state and state agencies.
171	Chair Starr	Closes the public hearing and opens a work session on HB 2775A.

HB 2775A WORK SESSION

173	Sen. Courtney	MOTION: Moves HB 2775A to the floor with a DO PASS recommendation.
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VOTE: 5-0

AYE: In a roll call vote, all members present vote Aye.

Chair Starr

The motion CARRIES.

SEN. SHANNON will lead discussion on the floor.

181

Chair Starr

Closes the work session and adjourns the meeting at 9:14 a.m.

Submitted By, Reviewed By,

Gary Roulier, Brian E. Smith,

Administrative Support Administrator

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Reviewed by, Reviewed by,

Sandy Thiele-Cirka Marjorie Taylor

Administrator Administrator

Reviewed by, Reviewed by,

Ray Kelly Carol Rives

Administrator Administrator

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EXHIBIT SUMMARY

A ñ HB 3609, written testimony, Doug Riggs, 1 p

B ñ HB 3609, amendments, staff, 1 p

C ñ HB 2658A, amendments, staff, 1 p

D ñ HB 2885A, amendments, staff, 2 pp

E ñ HB 2885A, letters, Bob Rindy, 2 pp

F ñ HB 2162A, report, Martha Pagel, oversized

G ñ HB 2162A, amendments, staff, 1 p

H ñ HB 2162A, letter submitted at meeting, staff, 1 p

I ñ HJR 68, report and recipe, Kevin Winthrop, 6 pp

J ñ HB 2775A, written testimony, Charles Stern, 1 p

SENATE COMMITTEE ON RULES AND ELECTIONS

June 15, 1999 Hearing Room B

5:00 p.m. Tapes 99 ñ 100

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Marilyn Shannon

Sen. Lee Beyer

Sen. Veral Tarno

MEMBER EXCUSED: Sen. Peter Courtney

STAFF PRESENT: Brian E. Smith, Administrator

Marjorie Taylor, Administrator

Sandy Thiele-Cirka, Administrator

Rachel E. Halupowski, Administrative Support

MEASURES HEARD: HB 2828A Work Session

SB 1325 Public Hearing and Work Session

HB 3560A Public Hearing and Work Session

HB 2792A Public Hearing

HB 2080A Public Hearing and Work Session

HB 3580A Public Hearing 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
TAPE 99, A		

000	Chair Starr	Opens meeting at 5:05 p.m. and opens work session on HB 2828A.
<u>HB 2828A WORK SESSION</u>		
008	Rep. Jeff Kropf	House District 37. Explains the A8 amendments allow school districts and school board members to be immune from lawsuits under the provisions of HB 2828A. Supports HB 2828A.
019	Chair Starr	Reiterates the need to pass both amendments to resolve conflicts.
020	Sen. Beyer	MOTION: Moves to ADOPT HB 2828-A7 amendments dated 5/25/99.
		VOTE: 3-0 EXCUSED: 2 - Shannon, Courtney
		Chair Starr Hearing no objection, declares the motion CARRIED.
022	Sen. Beyer	MOTION: Moves to ADOPT HB 2828- A8 amendments dated 5/26/99.
		VOTE: 3-0 EXCUSED: 2 - Shannon, Courtney
		Chair Starr Hearing no objection, declares the motion CARRIED.
025	Sen. Beyer	MOTION: Moves HB 2828A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Shannon, Courtney
		Chair Starr The motion CARRIES.

032	Chair Starr	Closes work session and opens public hearing on SB 1325.
<u>SB 1325 PUBLIC HEARING</u>		
057	Sen. Thomas Wilde	Senate District 8. States that fluorescent lights contain mercury and there is only one recycling plant in our region that specifically recycles these lights. Supports SB 1325. Defers to Don Fell.
070	Sen. Beyer	States he is favorably disposed to recommend SB 1325 to Ways and Means without need for too much testimony.
075	Chair Starr	States the committee is disposed to move SB 1325 to Ways and Means. Thanks Mr. Fell for bringing this issue to the attention of the Legislature. States there is opposition from the City of Portland.
080	Don Fell	Clatsop County. Presents (EXHIBIT A) . States he is here to answer questions if necessary.
121	Jane Myers	Oregon Dental Association (ODA). Presents (EXHIBIT B) . States ODA members are concerned with the proposed task force because it has the potential to "gut the work" ODA has voluntarily done to reduce and recycle mercury waste. States that should the Legislature choose to fund a task force, there should be representatives from businesses affected by laws for medical waste disposal.
161	Kelly Hendryx	Bureau of Environmental Services, City of Portland. Presents (EXHIBIT C) . Concerned with directing a task force to find methods to treat solid waste containing mercury, using a treatment which would chemically reclassify the waste. Concerned that the provisions may promote waste treatment in lieu of reduction and recycling. States the American Hospital Association is developing and implementing pollution prevention and waste reduction activities.
211	Hendryx	Urges the committee to remove the sections that encourage waste reclassification.
237	Chair Starr	States there are no amendments offered.
241	Sen. Beyer	Suggests to move SB 1325 to Ways and Means because of the budget decisions needed, and suggests that amendments could be offered to that committee.
248	Chair Starr	States Ways and Means will not consider the content of SB 1325. States those amendments could be offered to the House committee.
269	Fell	States he is available to speak with the City of Portland and ODA.
270	Chair Starr	Closes public hearing and opens work session on SB 1325.

SB 1325 WORK SESSION

271	Sen. Beyer	MOTION: Moves SB 1325 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Shannon, Courtney
	Chair Starr	The motion CARRIES.
285	Chair Starr	Closes work session and opens public hearing on HB 3560A.
<u>HB 3560A PUBLIC HEARING</u>		
302	Rep. Jeff Merkley	House District 16. States HB 3560A will allow new organizations to benefit from the contribution process. States HB 3560A will provide space on the tax forms to allow groups to be identified if certain conditions are met.
352	Rep. Merkley	States HB 3560A protects organizations already identified and provides an opportunity for new groups to participate.
402	Sen. Beyer	Remarks that HB 3560A must be referred to Ways and Means.
412	Ellen Lowe	Director, Public Policies, Ecumenical Ministries of Oregon. Testifies in support of HB 3560A.
455	Bill Linden	Oregon Headstart Association (OHA). Testifies in support of HB 3560A.
TAPE 100, A		
003	Stephan Kafoury	American Fisheries Society and American Wildlife Society. Testifies in opposition of HB 3560A. Comments in support of the non-game wildlife fund. Discusses that adding more charities to the list does not increase contributions.
031	Sen. Shannon	Questions the highest and lowest contribution levels.
034	Kafoury	Responds that \$400,000 was received the first year, and currently donations are approximately \$150,000 to \$200,000 annually.

038	Sen. Shannon	Discusses the economic advantages of competing stores that are situated together. Comments that more choices will increase contributions.
046	Chair Starr	Closes public hearing and opens work session on HB 3560A.
<u>HB 3560A WORK SESSION</u>		
048	Sen. Tarno	MOTION: Moves HB 3560A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 ñ Courtney
	Chair Starr	The motion CARRIES.
052	Chair Starr	Closes work session and opens public hearing on HB 2792A.
<u>HB 2792A PUBLIC HEARING</u>		
058	Marjorie Taylor	Committee Administrator. States HB 2792A would establish a property tax rebate of 3 percent for senior citizens who meet specified requirements.
077	Chair Starr	Asks what the ñA10 and ñA11 amendments accomplish.
078	Taylor	States the ñA11 amendments make a technical change that is included in the ñA10 amendments. States if the ñA10 amendments are not adopted, there is the need to adopt the ñA11 amendments. States there is a subsequent referral to Ways and Means.
080	Rep. Betsy Close	House District 36. Presents (EXHIBIT D) . Supports HB 2792A. States the purpose of HB 2792A is to honor seniors who pay property taxes with a rebate that assures their yearly rate would never increase. States a 3 percent revenue impact reduces future revenues by \$9.5 million, a 5 percent revenue impact reduces future revenues by \$15.9 million.
107	Sen. Shannon	States if the date is changed to 2003, HB 2792A will not need to go to Ways and Means. Supports HB 2792A.
124	Chair Starr	States HB 2792A would still need to go to Ways and Means even with the date

		change.
126	Sen. Shannon	States, according to rules, it would not need to go to Ways and Means if it is not for the next biennium.
128	Sen. Beyer	Clarifies by changing the date it would not need to go to Ways and Means.
129	Sen. Shannon	States if there is no fiscal impact, there is no need to send it to Ways and Means.
137	Chair Starr	States he would like to recesses HB 2792A until there is more information available.
146	Sen. Shannon	States she believes it would be better to wait.
153	Chair Starr	Closes the public hearing and opens public hearing on HB 2080A.
<u>HB 2080A PUBLIC HEARING</u>		
162	Sandy Thiele-Cirka	Committee Administrator. States HB 2080A creates a non-refundable personal and corporate income tax based on premiums paid for long-term insurance as defined in current statute. States the ñA5 amendments will allow the credit be given to newly issued policies. Notes that deleting Section 7 removes the fiscal impact, and the ñA5 amendments will reduce the revenue impact as well.
180	Chair Starr	Comments that there is no opposition to HB 2080A.
185	Sen. Beyer	Asks which amendments need to be moved.
188	Chair Starr	Responds the ñA5 amendments.
193	Chair Starr	Closes public hearing and opens work session on HB 2080A.
<u>HB 2080A WORK SESSION</u>		
195	Sen. Beyer	MOTION: Moves to ADOPT HB 2080-A5 amendments dated 6/15/99.
		VOTE: 4-0 EXCUSED: 1 ñ Courtney

	Chair Starr	Hearing no objection, declares the motion CARRIED .
200	Sen. Beyer	MOTION: Moves HB 2080A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Courtney
	Chair Starr	The motion CARRIES. SEN. BEYER will lead discussion on the floor.
207	Chair Starr	Closes work session and opens public hearing on HB 3580A.
<u>HB 3580A PUBLIC HEARING</u>		
215	Marjorie Taylor	Committee Administrator. States HB 3580A would increase the maximum civil penalty for violations of plumbing and electrical codes from \$1,000 to \$5,000. States the ñA3 amendments would add the Board of Boiler Rules to the list of boards who may instill the civil penalty. States the maximum civil penalty of \$5,000 would only be imposed upon finding a pattern of violations.
229	Joe Brewer	Administrator, Building Codes Division. Presents (EXHIBIT F) . States the Department is neutral on HB 3580A.
238	Sen. Shannon	Asks how often is this fine levied.
240	Brewer	States the \$1,000 levy is rare.
248	Sen. Shannon	Asks what fine would be imposed for a contractor found with 17 violations.
250	Brewer	States it depends on the nature of the violations and the statute involved. States the civil penalties range from \$250 to \$1,000.
256	Sen. Tarno	Asks how often cases are appealed for those penalized.

261	Brewer	States he does not have that information.
263	Sen. Tarno	Asks for a ballpark figure.
265	Brewer	Believes there are less than a dozen contested case hearings a year.
2680	Chair Starr	Closes public hearing and opens work session on HB 3580A.
<u>HB 3580A WORK SESSION</u>		
280	Sen. Beyer	MOTION: Moves to ADOPT HB 3580A-3 amendments dated 6/14/99.
		VOTE: 4-0 EXCUSED: 1 - Courtney
		Chair Starr Hearing no objection, declares the motion CARRIED.
282	Sen. Beyer	MOTION: Moves HB 3580A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Courtney
		Chair Starr The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
284	Chair Starr	Closes work session and adjourns meeting at 6:00 p.m.

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,
Administrative Support Administrator

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Reviewed By, Reviewed by,

Marjorie Taylor, Sandy Thiele-Cirka,
Administrator Administrator

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EXHIBIT SUMMARY

A ñ SB 1325, written testimony, Don Fell, 10 pp

B ñ SB 1325, written testimony, Jane Myers, 1 p

C ñ SB 1325, written testimony, Kelly Hendryx, 3 pp

D ñ HB 2792, written testimony and chart, Rep. Close, 2 pp

E ñ HB 2080, written testimony and charts, staff, 17 pp

F ñ HB 3580, written testimony, Joe Brewer, 1 p