

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

February 7, 1997 Hearing Room E

1:00 P.M. Tapes 13 - 14

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Michael Fahey

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

Rep. Jim Welsh

STAFF PRESENT:

Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD:

HB 2243 Public Hearing

HB 2244 Public Hearing

HB 2245 Public Hearing

HB 2254 Public Hearing

HB 2244 Public Hearing and Work Session

LC 1122, LC 2431, LC 1472, LC 2319, and LC 2381 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 13, A		
	Chair	

004	Lewis	Calls the meeting to order at 1:05 p.m.
HB 2243 PUBLIC HEARING		
007	Chair Lewis	Opens public hearing on HB 2243.
015	Mike Robinson	Member of the Real Estate and Land Use Legislative Subcommittee, Oregon State Bar.
023	Robinson	Provides an explanation of HB 2243. The measure exempts divisions of land that are condemned by public agencies from the definition of partition.
034	Rep. Fahey	Inquires if zoning will stay the same.
035	Robinson	Yes, zoning will stay the same.
037	Rep. Shields	Asks if the current process is costing a lot of money and if this bill will make spending more efficient.
040	Robinson	The current process does require more time and money.
047	Rep. Shields	Asks if implementation of the bill would save money.
048	Robinson	Answers affirmatively.
060	Art Schlack	Land Use Specialist, Association of Oregon Counties (AOC) (EXHIBIT A) , states that HB 2243 poses the question whether public agencies, local governments, or special districts should be held to the same standards that private property owners and general public are.
079	Rep. Luke	Asks if AOC is in favor or opposition to HB 2243.
080	Schlack	AOC opposes the bill as introduced.
083	Roy Burns	Inter-Governmental Relations Coordinator, Lane County, states that Lane County elected officials believe that government should not exempt themselves from the obligations placed on citizens.
093	Chuck Pearson	County Surveyor, Washington County - speaking on behalf of the Oregon Association of County Engineers and Surveyors (OACES). Indicates that OACES doesn't necessarily oppose the bill, but wonders if public agencies should comply with public land use laws.
108	Chair Lewis	Asks if roads are exempt.
114	Pearson	Roads are exempt from the definition of partition.
115	Chair Lewis	Verifies that this bill would have an effect on other government and public agency projects such as schools.
116	Pearson	Replies that any other projects would be effected.
118	Rep. Shields	Asks if implementation of the bill will save money.

124	Schlack	Suggests that it will save some time and money, but local governments and agencies need to be subject to the same standards as private citizens.
148	Rep. Shields	Asks if the time and expense currently needed to complete land use processes is worth the equality to citizens.
150	Schlack	Answers affirmatively.
156	Chair Lewis	Asks for the Oregon State Bar to talk to other parties about re-working the bill and returning when the process is complete. Closes the public hearing on HB 2243.
<u>HB 2244</u> <u>PUBLIC</u> <u>HEARING</u>		
162	Chair Lewis	Opens the public hearing on HB 2244.
178	Mike Robinson	Representative of the Oregon State Bar, asks to delay the public hearing on HB 2244 so that the author of the bill can testify.
184	Chair Lewis	Closes the public hearing on HB 2244.
<u>HB 2245</u> <u>PUBLIC</u> <u>HEARING</u>		
186	Chair Lewis	Opens the public hearing on HB 2245.
200	Mike Robinson	Representative of the Oregon State Bar, provides an explanation of HB 2245.
222	Laura Imeson	Representative of AT&T Wireless Services, expresses concerns with the drafted bill and indicates that more time is needed to clarify language in the bill.
240	Jon Chandler	Director of Government Affairs, Oregon Building Industry Association (OBIA), states that OBIA is not necessarily opposed to the bill, but it is concerned about the language. Asks for more time to work on the bill to clarify the language and make it smoother.
261	Chair Lewis	Enters written testimony from 1000 Friends of Oregon in support of HB 2245 (EXHIBIT B).
269	Chair Lewis	Asks the Oregon State Bar to work on the bill with concerned parties and return it to the committee. Closes the public hearing on HB 2245.
<u>HB 2254</u> <u>PUBLIC</u> <u>HEARING</u>		
276	Chair Lewis	Opens the public hearing on HB 2254.
285	Steve	Member of the Real Estate and Land Use Legislative Subcommittee, Oregon State Bar. Summarizes the history behind subdivisions.

	Hawes	Indicates that HB 2254 asks a simple question based on the two stages of approval; tentative and final.
323	Hawes	After final approval is obtained, land division is created - before that, nothing exists. Currently, prior to tentative approval of subdivision, a parcel of land can't be sold. The current restriction on pre-sale is not followed in practice. HB 2254 is limited to allowing pre-sale for non-residential subdivisions or partitions prior to tentative approval for a subdivision plan.
371	Hawes	Indicates that HB 2254 states that sales of land are conditional.
TAPE 14, A		
008	Hawes	Contacts have been made with interested parties (in favor and opposition) of the bill. Asks for more time to work on HB 2254 and indicates that new amendments are printed as HB 2254-1. The amendments attempt to clarify language in the bill.
024	Rep. Lehman	Verifies that the present law prohibits deals before tentative agreements.
025	Hawes	Responds affirmatively.
027	Rep. Lehman	Verifies that there is currently a way around the law and deals are being made before tentative approval.
029	Hawes	Responds affirmatively.
031	Rep. Lehman	Asks if banks are willing to lend money based on changes in the law.
033	Hawes	Answers affirmatively.
035	Rep. Lehman	Asks why the current law should be changed if it is working.
036	Hawes	The law should be changed to reflect reality.
053	Art Schlack	Land Use Specialist, Association of Oregon Counties. Expresses concern for the proposed legislation and speaks of how lot lines, land parcels and partitions are drawn (EXHIBIT C). Explains conditions on the land and that access management is very important to commercial and industrial lands. The Association of Oregon Counties does not support HB 2254.
080	Philip Fell	Representative of the League of Oregon Cities. Changes need to be made to the bill. Currently, the League is opposed to HB 2254.
087	Burton Weast	Legislative Director of the Special Districts Association of Oregon, expresses opposition to HB 2254. Services to properties need to be planned for. People who want to subdivide land need to go through the process of decision making and approval with the Special Districts. Indicates that there is no necessity for the bill.
123	Deborah Kafohry	Representative of the Professional Land Surveyors of Oregon
		Legislative Chair, Professional Land Surveyors of Oregon. States that there are problems with HB 2254 (EXHIBIT D). The bill does not

130	Tyler Parsons	address the problem of how to describe in sale documents, the legal description of the properties. The bill doesn't address what happens when the definition of a land parcel changes. The bill also has a narrow restriction on the term non-residential.
182	Parsons	Concludes presentation.
190	Chuck Pearson	Representative of the Oregon Association of County Engineers and Surveyors. States that the bill has a simple concept, but there are several defects with the bill. Speaking from experience, when a final plat of a subdivision has been achieved there can still be huge changes in the divisions. Points out that the bill directly indicates that a person can enter into an agreement or they can sell property.
243	Pearson	Questions the definition of the word "sell" in ORS and in HB 2254. Believes bad planning based on HB 2254 will bring about problems later. The bill provides no assurances to the buyer. It needs escrow requirements to prevent loss of funds. The concept of HB 2254 is not bad, but the mechanics need work.
283	Dale Blanton	Senior Policy Analyst, Department of Land Conservation and Development. Supports the Oregon State Bar in looking at these issues and is willing to work with other interested parties to refine it. Notes concerns with HB 2254 - it introduces the concept of a residential parcel whose definition is poorly drafted. Indicates that the definition is primarily related to zoning concerns not land development. Agrees that statutes can be revised but they're complicated, and even more so because of the definitions of the words "negotiate" and "sell".
325	Blanton	There are three phases to the land division process: negotiation, conditional agreement, sale. It's better to look at the three phases together. Current requirements are working well and don't need to be changed.
358	Rep. Luke	Asks if there is written testimony from the Department of Land Conservation and Development.
362	Blanton	There is no written testimony at the time.
372	Fred VanNatta	Representative of the Oregon Association of Realtors - expresses support for the legislation and indicates that they will work with the work group to modify the language. Indicates that there are three categories of opposition. First is technical, the way things are put together. Second is concern over consumer protection.
TAPE 13, B		
009	VanNatta	Related to consumer protection, suggests that proceeds go into escrow in regards to consumer protection. The third objection is with local government officials on planning commissions that can't say no to new developments.
036	Rep. Lehman	Asks if what the bill proposes is already occurring in the residential market.
038	VanNatta	Says that people have told him that it is occurring there.

040	Rep. Lehman	Asks if there are complaints from the buyers.
042	VanNatta	The buyers are not complaining, but there needs to be an orderly process.
048	Rep. Lehman	Verifies that this bill would benefit the seller more than the buyer.
050	VanNatta	Agrees that would be the affect.
052	Rep. Lehman	Asks how the consumer is protected by the bill.
053	VanNatta	Answers that the consumer is protected by not entering into the process. If the consumer wants the property they'll get it, otherwise don't put up the money.
067	Rep. Lehman	States that the current law protects the consumer.
069	VanNatta	The protection is for the seller who is also a consumer.
072	Rep. Luke	Clarifies that a consumer would lose the deposit money.
077	Rep. Lehman	Indicates that this bill would be a step back for the consumer.
082	Chair Lewis	Acknowledges that Mr. VanNatta did state that the bill could be changed to benefit the consumer.
087	Rep. Luke	Asks if title companies will be involved with the work group.
089	VanNatta	Indicates that there is a title company in the working process.
094	Chair Lewis	Explains what amendments have been made to the bill already.
098	VanNatta	States that he will arrange for another bill to be introduced.
101	Chair Lewis	Calls for other testimony on HB 2254. Recommends more work on the bill before bringing it back to the committee. Closes the public hearing on HB 2254.
<u>HB 2244</u> <u>PUBLIC</u> <u>HEARING</u>		
120	Chair Lewis	Opens the public hearing on HB 2244.
133	Dorothy Cofield	Member of the Real Estate and Land Use Legislative Subcommittee, Oregon State Bar. Summarizes HB 2244. A certificate of mailing would "fix" the clocks for all parties involved. Concludes presentation.
195	Deborah Jefferies	Yamhill County property owner in support of HB 2244. Relates a personal experience on which the bill is based. Expresses disappointment and confusion over the definition of mailing date. Indicates that the bill was not written at her request, but based on her

		personal experiences.
248	Chair Lewis	Closes the public hearing on HB 2244.
<u>HB 2244 WORK SESSION</u>		
253	Chair Lewis	Opens the work session on HB 2244.
256	Rep. Luke	Asks if any opposition to HB 2244 has been brought forward.
257	Chair Lewis	Enters written testimony from 1000 Friends of Oregon in support of HB 2244 (EXHIBIT E).
260	Rep. Luke	Asks if HB 2244 has a fiscal impact.
265	Pat Zwick	Indicates that HB 2244 has no fiscal impact.
273	Rep. Luke	MOTION: Moves HB 2244 to the floor with a DO PASS recommendation.
275		VOTE: 7-0 AYE: In a roll call vote, all members are present and vote Aye.
289	Chair Lewis	The motion CARRIES. REP. SIMMONS will lead discussion on the floor.
293	Chair Lewis	Closes the work session on HB 2244.
<u>LC 1122, LC 2431, LC 1472, LC 2319, AND LC 2381 WORK SESSION</u>		
295	Chair Lewis	Opens the work session for the introduction of committee bills
305	Chair Lewis	Introduces LC 1122.
312	Rep. Luke	MOTION: Moves LC 1122 dated 2-6-97 BE INTRODUCED as a committee bill. VOTE: 7-0
319	Chair Lewis	Hearing no objection, declares the motion CARRIED.
		(LC 1122 is printed as HB 2645.)

321	Chair Lewis	Introduces LC 2431.
327	Rep. Simmons	MOTION: Moves LC 2431 dated 1-23-97 BE INTRODUCED as a committee bill. VOTE: 7-0
328	Chair Lewis	Hearing no objection, declares the motion CARRIED.
		(LC 2431 is printed as HB 2641.)
330	Chair Lewis	Introduces LC 1472
332	Rep. Lehman	MOTION: Moves LC 1472 dated 9-30-96 BE INTRODUCED as a committee bill. VOTE: 7-0
333	Chair Lewis	Hearing no objection, declares the motion CARRIED.
		(LC 1472 is printed as HB 2644.)
335	Chair Lewis	Introduces LC 2319.
337	Rep. Fahey	MOTION: Moves LC 2319 dated 1-14-97 BE INTRODUCED as a committee bill. VOTE: 7-0
340	Chair Lewis	Hearing no objection, declares the motion CARRIED.
		(LC 2319 is printed as HB 2643.)
342	Chair Lewis	Introduces LC 2381.
346	Rep. Welsh	MOTION: Moves LC 2381 dated 1-20-97 BE INTRODUCED as a committee bill. VOTE: 7-0
348	Chair Lewis	Hearing no objection, declares the motion CARRIED.
		(LC 2381 is printed as HB 2642.)
350	Chair Lewis	Adjourns the committee meeting at 2:24 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2243, Written testimony, Art Schlack, 1 p.

B - HB 2245, Written testimony, Christine Cook, 2 pp.

C - HB 2254, Written testimony, Art Schlack, 1 p.

D - HB 2254, Written testimony, Tyler Parsons, 2 pp.

E - HB 2244, Written testimony, Christine Cook, 1 p.