

HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 23, 1997 Hearing Room D

1:00 P.M. Tapes 114 - 115

MEMBERS PRESENT:

Rep. Ken Strobeck, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Jim Hill

Rep. Bob Montgomery

Rep. Kurt Schrader

Rep. Liz VanLeeuwen

Rep. Tom Whelan

STAFF PRESENT:

Jeri Chenelle, Administrator

Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD:

HB 3370-A - Work Session

HB 2461 - Work Session

SB 947-A - Work Session

SB 665-A - 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 114, A		
003	Chair Strobeck	Calls meeting to order at 1:24 p.m. and opens the work session on HB 3370-A.
<u>HB 3370-A</u>		

- WORK SESSION		
009	Jeri Chenelle	Administrator, reviews the HB 3370-A8 (EXHIBIT A) and -A9 (EXHIBIT B) amendments.
		Issues discussed:
		> whether this will be a tax
025	Rep. Schrader	Reports he has been speaking with the staff in Legislative Counsel, Legislative Revenue, and the Attorney General's office, and that there is no controversy whether this is a tax, it is outside Measure 5. Adds that:
		* individuals in Legislative Counsel have come to different conclusions on whether or not it is a revenue raising measure; Legislative Revenue feels it is not, the Attorney General's office is giving a written opinion to be delivered later today
		* has spoken with Chief Clerk Ramona Kenady about how to address the issue, and was advised that the committee should include substantive language of what the committee wants to do in the bill (it is outlined in the amendments which limits system development charge to K-12, ties it down as suggested by Tom Clifford to make sure there is a close, rational nexus that those people who are going to pay the fee will be directly benefiting from the fee, and got closer to not needing the three-fifths revenue raising language)
		* amendments also include the affordable housing exemption
042		* if Legislative Counsel and Attorney General cannot get together, language can be added
		Issues discussed:
		* how long someone must live in affordable housing before they can sell it
058		* how a builder would know the buyer is eligible for affordable housing
072	Rep. Schrader	MOTION: Moves to ADOPT HB 3370A-8 amendments dated 05/23/97.
074		VOTE: 5-1 AYE: 5 - Gardner, Schrader, VanLeeuwen, Whelan, Strobeck NAY: 1 - Montgomery EXCUSED: 1 - Hill
	Chair Strobeck	The motion CARRIES.
082	Rep. Schrader	MOTION: Moves HB 3370-A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1

		AYE: 5 - Gardner, Schrader, VanLeeuwen, Whelan, Strobeck NAY: 1 - Montgomery EXCUSED: 1 - Hill
	Chair Strobeck	The motion CARRIES.
		REP. SCHRADER will lead discussion on the floor.
088	Chair Strobeck	Closes the work session on HB 3370-A and opens the work session on HB 2461.
HB 2461 - WORK SESSION		
092	Jeri Chenelle	Administrator, reviews provisions of HB 2462, advises the committee the committee previously received the HB 2461-1 amendments (SEE EXHIBIT E OF MAY 16, 1997 COMMITTEE MINUTES), and has received a letter from the Department of Geology and Mineral Industries (DOGAMI) (EXHIBIT A)
	Chair Strobeck	Notes the committee was previously given the -1 amendments, that the vote to adopt them was defeated, and now everyone has agreed to the -1 amendments as written.
104	Rep. VanLeeuwen	Comments that she supports the original HB 2461.
115	Rep. Gardner	MOTION: Moves to ADOPT HB 2461-1 amendments dated 05/13/97.
017		VOTE: 5-1 OBJECTIONS: 1 - VanLeeuwen EXCUSED: 1 - Montgomery
	Chair Strobeck	Noting the objection by Rep. VanLeeuwen, declares the motion CARRIED.
117	Rep. Gardner	MOTION: Moves HB 2461 to the floor with a DO PASS AS AMENDED recommendation.
120		VOTE: 4-2 AYE: 4 - Gardner, Hill, Whelan, Strobeck NAY: 2 - Schrader, VanLeeuwen EXCUSED: 1 - Montgomery
	Chair Strobeck	The motion CARRIES.

		REP. LUKE will lead discussion on the floor.
125	Chair Strobeck	Closes the work session on HB 2461 and opens the work session on SB 947-A.
<u>SB 947 - WORK SESSION</u>		
126	Jeri Chenelle	Explains the SB 947-A11 amendments (EXHIBIT D).
146	Chair Strobeck	Explains that the amendments are a result of the work group and to make sure the annexations are the same as everywhere else in the state.
170	Rep. Hill	Suggest the SB 947-A11 amendments be amended on page 1, in line 16, strike "hearings officer or a" so it will be appealed to the three-person commission. Adds that those he has spoken to intend to use a three-person commission; an appeal from the hearings officer would go to the Metro Council and an appeal from the three-person commission would go to the courts.
179	Rep. Schrader	Comments he agrees with Rep. Hill, and has a concern on page 2, subsection (3), and would like to add the words "including the urban reserves.
207	Chair Strobeck	Advises that Legislative Counsel will be asked to determine if the additional wording is necessary.
210	Maxine Shelling	Testifies in opposition to SB 947-A:
		* comparing the rest of the state to the metropolitan areas is perhaps unequal in that when annexations take place in remote areas, there are no other contending government bodies that would create a problem during an annexation
		* individual citizens and neighborhood groups have no recourse to protest annexation issues, that the three-member commission would only be hearing government body remonstrance; the only way an individual or a group of individuals could protest would be to go to the Land Use Board of Appeals (LUBA)
		* comment made was that cities pay assessment to the boundary commission; they do, but the assessment is fixed by statute
		* Legislative Fiscal says bill would not save any money so the assessments would have to handle whatever the controversies are
		* League of Women Voters have the same views and oppose the bill
272	Rep. VanLeeuwen	Asks if the amendments fit the bill.
313	Chair Strobeck	Advises that the sections have been re-indexed.
306	Rep. Schrader	Comments that on page 2, the new (3) talks about annexation of a territory to a city, and asks if someone can comment on it.

317	Burton Weast	Special Districts Association, explains the intent of (3) was to make sure annexation procedures will be done as in the rest of the state. Suggest the drafter of the amendments explain why this is done.
353	Chair Strobeck	Asks if it would apply to annexations of districts, Metro, or anybody.
356	Weast	Responds he believes when the boundary commission is eliminated, the same laws, statewide, would apply, and that subsection (3) was added for concern from Rep. Schrader in an attempt to make it absolutely clear. Questions whether the language is necessary.
363	Rep. Schrader	Explains why they have requested (3). Suggests there is a need for an additional sentence that makes it clear that annexations within urban reserves shall follow those outlined for cities as per ORS chapter 222.
390	Rep. Hill	Asks if Metro annexes areas to their district.
	Weast	Responds Metro is a special district and follows the annexation procedural laws like anyone else.
418	Chair Strobeck	Comments that many boundaries involve water and fire districts and they wanted to make it clear those kinds of annexations go through the same process.
424	Weast	Responds that is correct, and suggests in (3) that the statutes on special district procedures be added.
430	Rep. Hill	Comments he views this as not a bill dealing with Metro's boundaries, but the properties within, and would not want to get sidetracked.
446	Chair Strobeck	Asks if the boundary commission gets involved in deciding Metro's boundaries.
451	Weast	Responds they must meet the same requirements as other special districts.
455	Chair Strobeck	Comments his question was whether the boundary commission has jurisdiction over Metro's boundaries currently, and the answer was yes.
457	Rep. Schrader	Comments he likes Rep. Hill's suggestion and adds that the intent is geared toward the special districts, and while it may seem obvious to Mr. Weast that Metropolitan Service District is just like any other special district, is not sure they or the courts view them that way because they have been placed in a superior position to the boundary commission in court cases. Asks that Mr. Higbee assure the committee he would be comfortable with the language on annexations.
474	Chair Strobeck	Advises that the committee has a meeting scheduled for next Wednesday, and suggests that amendments be requested to strike the language Rep. Hill suggested in line 16, that the new (3) be corrected including the discussion of special districts, Metro boundaries, urban reserves, etc. so the committee can consider them all at once.
493	Rep. Hill	Suggests the committee also talk about the date.
TAPE 115, A		
	Chair	Comments he has talked to people in his area, and knows the special

039	Strobeck	districts people feel strongly about June 98 or at the latest January 1999, but his people want it pushed back to June 1999.
042	Rep. Hill	Suggests splitting the difference and go to March or April.
051	Rep. Gardner	Suggests June 1999 would be fine.
060	Weast	Explains the reason they wanted the 98 June date was because if it is into next session or January 1999, it means nothing more than putting the battle off. If the date is June 1998, the new system will have been in place for six months and the legislature could make an intelligent decision as to whether the new system is working.
078	Chair Strobeck	Closes the work session on SB 947-A and opens the work session on SB 665-A.
<u>SB 665 -A - WORK SESSION</u>		
080	Jeri Chenelle	Administrator, reviews provisions of SB 665-A and the SB 665-A6 amendments (EXHIBIT E).
098	Rep. Gardner	MOTION: Moves to ADOPT SB 665-A-6 amendments dated 05/23/97.
100	Rep. VanLeeuwen	Comments she will vote for the amendment and will probably vote against the bill.
101		VOTE: 5-0 EXCUSED: 2 - Montgomery, Schrader
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
102	Rep. Gardner	MOTION: Moves SB 665-A to the floor with a DO PASS AS AMENDED recommendation.
106		VOTE: 3-2 AYE: 3 - Gardner, Whelan, Strobeck NAY: 2 - Hill, VanLeeuwen EXCUSED: 2 - Montgomery, Schrader
	Chair	The motion FAILS.
110		MOTION: By implied consent the rules are SUSPENDED to allow REP. HILL to CHANGE vote from NAY to AYE on the motion to send SB 665-A to the floor with a DO PASS AS AMENDED recommendation
	Chair	Hearing no objection, declares the motion CARRIED.

	Strobeck	
110	Rep. Hill	Changes his Vote to AYE.
112	Chair Strobeck	Declares the motion CARRIED.
	Chair Strobeck	REP. GARDNER will lead discussion on the floor.
112	Rep. Hill	Comments he will be voting no on the floor.
115	Chair Strobeck	Closes the work session on SB 665-A and adjourns the meeting at 2:01 p.m.

Submitted By, Reviewed By,

Annetta Mullins, Jeri Chenelle,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3370, HB 3370-A8 amendments, Rep. Schrader, 1 p

B - HB 3370, HB 3370-A9 amendments, Rep. Schrader, 1 p

C - HB 2461, prepared statement, Department of Geology and Mineral Industries, 1 p

D - SB 947, SB 947-A11 amendments, Rep. Strobeck, 2 pp

E - SB 665, SB 665-A6 amendments, Rep. Strobeck, 1 p