

HOUSE COMMITTEE ON GENERAL GOVERNMENT

March 10, 1997 Hearing Room D

1:00 P.M. Tapes 40 - 41

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

MEMBER EXCUSED:

STAFF PRESENT:

Jeri Chenelle, Administrator

Sandy Thiele-Cirka, Administrative Support

MEASURES/ISSUES HEARD:

HB 2646 - Public Hearing

HB 2100 - Public Hearing

HB 2489 - Public Hearing

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 40, A		
004	Chair Strobeck	Calls meeting to order at 1:04pm, open public hearing on HB 2489.
<u>HB 2489 - PUBLIC</u>		

HEARING		
006	Rep. Markham	District 46, testifies in opposition to HB 2489.
036	Chair	Closes public hearing HB 2489.
HB 2646 - PUBLIC HEARING		
042	Jeri Chenelle	Administrator, summarizes HB 2646.
052	Jim Anderson	PacifiCorp, provides testimony in support of HB 2646.
057	Bill Peressini	Vice-President and treasurer, Pacific Corp. Provides testimony in support of HB 2646 (EXHIBIT A).
100	Rep. Hill	Questions what the rate payers are being protected from; has there been abuses in the past.
107	Peressini	Responds that in the past some utility companies have issued securities to acquire plant equipment that were not in the best interest of the community or service being delivered. It is the responsibility of Commission's to oversee what securities are being issued for so these types of abuses do not occur again.
132	Rep. Hill	Comments that the stock market has evolved into more sophisticated mechanism so abuses are more difficult.
140	Peressini	Responds that the market is the ultimate judge of investments.
156	Rep. Hill	Questions if the state commission didn't have a role, FURC would have the ultimate approval? Is this a case of either or?
159	Peressini	Responds that Oregon will be the lead jurisdiction.
165	Rep. Hill	Comments that in the absence of a regulatory authority given to the PUC, regulatory authority will fall under the federal electrical commission
168	Peressini	Responds affirmatively.
170	Rep. VanLeeuwen	Questions what types of securities does this apply to.
180	Peressini	Responds at this time long term debt and equity instruments for the company.
189	Rep. VanLeeuwen	Questions what they are trying to get unburdened from? What types of securities?
195	Peressini	Responds that currently they have \$150 million preferred stock securities at par today. The market climate of January and February was ideal for refunding opportunity. To replace these securities with new securities an application has to be filed, wait 6-8 weeks for approval and during the waiting period the climate may change. This legislation would allow quicker access to the market.
207	Rep.	Responds in agreement. Questions if there are other issues?

	VanLeeuwen	
210	Peressini	Responds that if this legislation is passed, they will work together with the commission in defining the type of exemptive authority they are seeking.
220	Rep. VanLeeuwen	Questions if there is any opposition to this bill?
222	Peressini	Responds that he is unaware of any.
231	Rep. Hill	Comments that there is no time requirement for the commission to respond. Shouldn't that be addressed in the bill?
248	Peressini	Responds that currently that is not a good idea.
264	Phil Nyegaard	Administrator, Financial Analysis Division, PUC, representing the commission. Testifies that the commission has no position on this bill at this time. The commission will review this bill and determine an official position.
276	Rep. Montgomery	Questions when the commission will have a position?
279	Nyegaard	Responds that they have had the bill for 2 weeks.
285	Rep. Montgomery	Comments that the committee will hear from the commission within 2 weeks.
287	Nyegaard	Responds that hopefully before the 2 week deadline.
289	Rep. Hill	Questions if the commission has any concern regarding this bill?
299	Nyegaard	Concerns are directed to specific statutes addressed in this bill.
323	Rep. Hill	Questions if discussion has occurred about this bill.
324	Nyegaard	Responds affirmatively. Notes that discussion took place with the commission, but not with the company.
331	Rep. Hill	Comments that after the commission and the company meet, the company may return to the committee with some amendments.
334	Nyegaard	Responds that it is possible that the PUC will take that position, or there may be no position at all.
339	Chair Strobeck	Closes public hearing on HB 2646.
<u>HB 2100 - PUBLIC HEARING</u>		
346	Chair Strobeck	Opens public hearing on HB 2100.
350	Chenelle	Summarizes HB 2100.
		Supervisor Property Management Unit, Department of Transportation. Provides testimony in support of HB 2100 (EXHIBIT B).

373	Douglas Luth	Notes the two key points of the bill: * excludes a public agency's sale or grant of excess highway, roadway, or street right of way from the definition of partitioned land. * excludes right of way transferred by a public agency from survey requirements when a common boundary is relocated
TAPE 41, A		
005	Luth	Continues and summarizes testimony.
013	Rep. Montgomery	Clarifies the type of land being utilized and questions what the size limit is.
016	Luth	Responds that it is right of way land not tax foreclosure land. Explains that size is not as important as is if it is a legal lot.
030	Rep. Montgomery	Comments on 5,000 sq. feet is considered a legal lot in some communities. Notes that the bill should address lot size.
033	Chair Strobeck	Clarifies the question.
038	Luth	Responds that generally these lots are not considered valuable on their own, however combined with the adjacent lot it then becomes useful. The cost of the boundary survey is not efficient.
048	Chair Strobeck	Questions if an adjacent, stand alone legal lot is surveyed?
052	Luth	Responds that probably not, no requirement for having the lot surveyed. Notes the process of placing it on the market for sale.
055	Chair Strobeck	Clarifies that the issue is if it is a stand alone lot, not the size.
056	Luth	Responds affirmatively.
057	Rep. Montgomery	Clarifies that this bill addresses surveying only.
060	Rep. Schrader	Questions current statute and definition of legally buildable lot.
070	Luth	Responds that he is unaware of anything in statute. Continues discussion about legal lot.
079	Rep. Schrader	Questions if all irregular sized lots have a legal description that is on the county rolls.
082	Luth	Responds that that is not the case. The lot may not be identified by the local county but as a piece of right of way.
091	Chair Strobeck	Questions if someone purchased one of these lots, would the legal description of description of their property be updated?
094	Luth	Responds he is uncertain, but probably not. Clarifies that a separate document with a description of what was purchased, and a separate

		deed.
098	Rep. Schrader	Comments about controversies over boundary lines in smaller jurisdictions. Notes that surveys that are done after the fact, which may create legal problems. Continues that without a legal description there could be potential problems.
110	Chair Strobeck	Questions how someone knows what they are purchasing if there is no legal description. Notes that a reasonable expectation of what is being purchased.
117	Luth	Responds that every piece of property sold has a description. Continues with clarification of the process used.
142	Rep. Hill	Questions the parties being affected by this bill.
156	Luth	Responds that the Department of Transportation may operate under different regulations than local jurisdictions. The witness is unable to respond to specific concerns. Notes the DOT procedure.
163	Rep. Hill	Comments that he would like to have information pertaining to the local level where individuals are deeding over property through the remonsterous process.
180	Arthur J. Schlack	Land Use Specialist, Association of Oregon Counties. Provides testimony in support of HB 2100 with -2 amendment (EXHIBIT C).
206	Rep. Hill	Clarifies that this bill only deals with land that was acquired in fee title.
208	Rep. Montgomery	Questions -1 amendment.
211	Chenelle	Responds that legislative counsel
214	Chair Strobeck	Questions if the purchaser has to purchase the entire lot or can they purchase a portion of the adjacent lot.
220	Schlack	Responds that there are different purchase procedures. Clarifies that if it is believed that the purchaser is obtaining the best portion of the lot, then the entire parcel has to be acquired. Notes that this is often how irregular right of ways are created.
255	Chair Strobeck	Notes that the local governments have the option on any of these properties to decide to sell the property on the open market or to the adjacent property owners.
258	Schlack	Responds affirmatively. Notes that the local jurisdictions have the ability to approve or disapprove the lot line adjustment.
258	Rep. Montgomery	Clarifies that this bill addresses surveying not the right to sell. Notes if they have the right to sell the property if it taxed foreclosed property it has to be put up for auction first.
264	Chair Strobeck	Question the impact of this bill on County Assessor's role regarding lot line adjustment.
267	Schlack	Lot line is used by all local governments. Notes that this bill would have a positive impact on the existing system.
281	Chair Strobeck	Adjourns the committee at 1:50pm.

Submitted By, Reviewed By,

Sandy Thiele-Cirka, Jeri Chenelle,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2646, Written testimony, William Peressini, 2pp

B - HB 2100, Written testimony, Doug Luth, 1pp

C - HB 2100, Written testimony, Arthur Schlack, 2pp