

HOUSE COMMITTEE ON RULES AND ELECTIONS

June 18, 1997 Hearing Room D

8:00 AM Tapes 97, 98

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Jim Welsh

Rep. Kitty Piercy

STAFF PRESENT:

Janet Adkins, Policy Analyst

Erik Deitz, Administrative Support

Kellie Shoemaker, Committee Clerk

MEASURE/ISSUES HEARD:

SB 825 Work Session

SB 1211 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 97, A		
005	Chair Snodgrass	Calls meeting to order at 8:00 a.m., opens work session on SB 1211.
<u>SB 1211</u> <u>WORK</u> <u>SESSION</u>		
	Janet	

010	Adkins	Explains SB 1211 to committee and audience.
006	Sen. Bob Kintigh	District 22, testifies in favor SB 1211, explains about a group that met yesterday to discuss and come up with -A11 amendments (EXHIBIT A).
015	Rep. Markham	Asks what the -A11 amendments do.
021	Sen. Kintigh	Responds that it releases the forest owner of liability.
026	Ann Hanus	Department of Forestry (DOF), explains the details of the -A11 amendments.
036	Chair Snodgrass	Asks to have "knowingly" defined.
040	Hanus	Responds.
053	Chair Snodgrass	Asks about specific wording in SB 1211.
058	Hanus	Responds.
061	Rep. Messerle	Asks about inventory of the designated slide areas and how the public would become aware of potential slide areas.
070	Hanus	Responds that the Department of Forestry is currently looking to gather data on potential slide areas.
088	David Morman	Department of Forestry, explains that there is no current inventory of potential slide areas.
090	Rep. Messerle	Asks about high risk slide areas.
092	Morman	Responds that the DOF is trying to focus on the high risk sights.
101	Rep. Messerle	Asks about the rate of slides if there is more rain fall.
105	Morman	Responds that rain fall is one thing that is going to looked at when looking for high risk slide areas.
117	Rep. Messerle	States his concern is the liability of the landowner and where it leaves the landowner.
125	Morman	Responds that he is looking for long-term solutions.
141	Rep. Markham	Asks who is going to tell somebody they can or can't build in a particular place and who is going to be liable.
150	Morman	Responds that he was hoping local governments would accept that responsibility in earlier versions of the bill.
162	Rep. Beyer	Asks about the -11 amendments and who is protected in them.
169	Morman	Responds that he would like a better way to notify property owners.
176	Rep. Beyer	Asks about specific wording in the bill.
184	Morman	Responds.
	Rep.	

186	Messerle	Asks if this effects the liabilities of other problems.
192	Morman	Responds that it only covers injury or damage from land slides.
210	Rep. Markham	Asks if there was any legal counsel involved in drafting the new amendments.
217	Sen. Kintigh	Responds that the Attorney General and Legislative Counsel attended.
240	Rep. Welsh	Explains that this bill creates a better solution than what we have now. Testifies about the tragedies in his district from flooding and land slides last winter.
255	Jerry Schmidt	Oregon Association of Realtors, testifies in favor SB 1211, testifies against the -11 amendments.
275	Chair Snodgrass	Asks if he discussed his objections on the Senate side.
282	Schmidt	Responds yes he did and that he did not support some Senate side amendments.
297	Andrea Pushnell	Association of Oregon Realtors Attorney, testifies against the -11 amendments, testifies in favor of SB 1211. Explains that there is no requirement for notice to the property owner if they are building in a high risk area.
347	Pushnell	Continues testimony. States that the -11 amendments offer no recourse to property owners if they have a problem.

TAPE 98, A

001	Rep. Markham	Asks if he was involved in the work group yesterday.
010	Schmidt	Responds no.
012	Rep. Welsh	Asks the number of real-estate agency transactions vs. for sale by owner transactions.
020	Schmidt	Responds that he is unaware.
025	Rep. Welsh	States that he grew up in a high flood area and he knew where the high water areas are. Asks if a real-estate agent is aware of nearby flood areas, does the agent need to disclose that information?
040	Pushnell	Responds that if the agent is aware they need to disclose the information.
050	Rep. Welsh	States that the red flag is raised too high. Asks if real-estate agents want to sell property if there is a flood area.
055	Pushnell	Explains that she is concerned what this bill will do as far as assigning liability. Ask how a Realtor is to know if there are flood problems.
070	Chair Snodgrass	States that there are several channels that a Realtor can find out if property is high risk. States that there is a two month time period in which section two and six will terminate. Asks Sen. Kintigh about specific wording in SB 1211.
098	Sen. Kintigh	Responds that he thought that it would be covered but that he would like to have the building code people look at it.
105	Hanus	Explains the fiscal impact that SB 1211 may have.

117 Chair Snodgrass Asks if Morman is intending to come back next session to discuss this topic.

132 Morman Responds yes.

135 Rep. Messerle Asks about obtaining information about high risk areas.

140 Morman Responds that neighbor to neighbor communication is a good method.

149 Sen. Kintigh States that there is nothing about deed restriction in SB 1211.

157 Rep. Messerle Asks how a land owner would know if there is land transaction or a building permit being applied for in their area.

170 Ray Wilkesen Responds that there is no formal method. Explains that he was comfortable with the bill the way it came over from the Senate.

185 Rep. Beyer Asks if he supports the -11 amendments.

190 Wilkesen Responds that they muddy the bill and that current language is fine.

200 Rep. Messerle Asks if landowners are able to notify the DOF to serve notice that it is high risk.

210 Wilkesen Responds.

215 Chair Snodgrass Asks to discuss section six. States that section six will be repealed in the year 2000.

233 Rep. Beyer States his concern with section six. States that he would like the land owner to sign a waiver releasing building codes from liability or no building permit will be issued.

270 Rep. Piercy States that there needs to be a more thoughtful process before we go forward with this legislation.

275 **Rep. Beyer MOTION: Moves to ADOPT SB 1211-A11 amendments dated 6/18/97.**

VOTE: 5-1

AYE: 5 - Beyer, Markham, Messerle, Welsh, Snodgrass

280 **NAY: 1 - Piercy**

EXCUSED: 1 - Courtney

Chair Snodgrass The motion CARRIES.

285 **Rep. Messerle MOTION: Moves SB 1211A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 5-1

AYE: 5 - Beyer, Markham, Messerle, Welsh, Snodgrass

290 **NAY: 1 - Piercy**

EXCUSED: 1 - Courtney

The motion CARRIES.

Chair Snodgrass REP. WELSH will lead discussion on the floor.

301 Chair Snodgrass Closes work session on SB 1211, opens work session on SB 825.

SB 825
WORK
SESSION

305 Rep. Piercy MOTION: Moves SB 825 to the floor with a DO PASS recommendation.

335 Rep. Welsh States that he is waiting for the -18 or -19 amendments. Explains that his amendments address section five and two.

385 Chair Snodgrass Asks about specific wording in the amendments.

TAPE 97, B

005 Rep. Welsh Responds. States that he would like to amend the bill.

007 Rep. Piercy States that she would like to move the bill forward as is. States that agencies don't ask people to do things against their religious beliefs.

035 Rep. Beyer States that he understands Rep. Welsh's concerns. Suggests some conceptual amendments.

050 Rep. Piercy States that there is no need to change the bill.

052 Sandie Hoback Department of Health and Family Services, explains why the bill is written the way it is. States that the wording was added at the suggestion of the Attorney General to make it more broad. States that her agency does not refer people for abortions.

075 Rep. Beyer Asks if her agency refers people for medical needs.

077 Hoback Responds no.

095 Rep. Welsh States his concern about the language and is it necessary.

110 Hoback Responds that this is a protection.

120 Rep. Welsh Suggests to conceptually amend the bill.

130 Rep. Beyer States that he does not want to get into a legal battle this late in session with the Attorney General.

140 Chair Snodgrass Reminds committee which motion is on the table. Explains that she cannot accept Rep. Welsh's motion until Rep. Piercy is taken care of.

167 Rep. Messerle After Rep. Piercy votes aye, asks for a recess.

168 Chair Snodgrass Recesses meeting at 9:26 a.m. Reconvenes at 9:28 a.m.

VOTE: 2-3

AYE: 2 - Beyer, Piercy

310 Rep. Beyer NAY: 3 - Messerle, Welsh, Snodgrass

EXCUSED: 2 - Courtney, Markham

**Chair
Snodgrass** **The motion FAILS.**

315 Chair Recesses meeting at 9:29 a.m. Calls meeting to order at 12:45 p.m.,
 Snodgrass adjourns meeting 12:45 p.m.

Submitted By, Reviewed By,

Erik Deitz, Janet Adkins,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - SB 1211, -A11 amendments, Staff, 1 p