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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

April 17, 1997 Hearing Room A

1:00pm Tapes 170 - 172

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED: Sen. Gene Derfler

STAFF PRESENT:

David J. Amesbury, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

SB 474

SB 1036

SB 854

SB 855

SB 886

SB 898

SB 1013

SB 1034

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 170, A		
004	Vice Chair Miller	opens meeting at 1:10
<u>SB 1034 PUBLIC HEARING AND WORK SESSION</u>		
010	Miller	opens public hearing on SB 1034
012	Alan Bennett	Vice President and Trust Officer
014	Bennett	EXHIBIT A EXHIBIT B
067	Bennett	still discussing EXHIBIT A
090	Chair Bryant	close public hearing on SB 1034
093	Sen. Miller	MOTION: Moves to ADOPT the amendments offered by the Oregon Banker's Association to SB 1034.
098	Bryant	no discussion; no objection
100	Sen. MILLER:	MOTION: Moves SB 1034 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
103	Bryant	no discussion; no objection Sen. Miller will carry SB 1034
115	Bryant	close work session SB 1034

<u>SB 886--PUBLIC HEARING</u>		
120	Sen. Bryant	opens public hearing on SB 886
124	Sen. Brown	brief explanation of SB 886
127	Madeline Olson	Assistant Administrator; Office of Mental Health Services
129	Olson	EXHIBIT C
145	Cheryl Pellegrini	Assistant Attorney General
147	Pellegrini	EXHIBIT D
160	Fred Boss	Assistant Attorney General
162	Boss	EXHIBIT E
190	Pellegrini	EXHIBIT F
195	David Amesbury	question about EXHIBIT F; is this to serve as the amendments
210	Bryant	I would like all interested parties on this issue to meet in the hall to discuss the amendments and we will bring it back later today for a work session
237	Sen. Bryant	close public hearing on SB 886
<u>SB 898--PUBLIC HEARING AND WORK SESSION</u>		
243	Sen. Bryant	open public hearing on SB 898
246	Sen. Ferrioli	State Senator
252	Laura Pryor	Judge from Gilliam County
256	Pryor	explanation of SB 898
275	Pryor	EXHIBIT G
315	Bryant	close public hearing on SB 898
316	Bryant	open work session on SB 898
320	Sen. Miller	MOTION: Moves SB 898 to the floor with a DO PASS recommendation.
322	Bryant	no discussion; no objection Sen. Ferrioli will carry SB 898
<u>SB 854--PUBLIC HEARING</u>		
339	Bryant	open public hearing on SB 854
345	Ann Christian	Director; Indigent Defense Services
359	Christian	explanation of SB 854

Tape 171, A		
003	Christian	SB 854 would provide for the contract of investigators
029	Christian	discusses impact on State Court Administrator's Office
048	Christian	we need to have some professional standards we believe this would be more cost effective
070	Christian	part of the problem with indigent defense is that we don't have enough attorneys to practice indigent defense
107	Christian	we need to put together a fiscal impact
124	Sen. Brown	SB 854 will help attorneys
130	Christian	OSB has had two indigent defense task forces in the last few years
147	Bryant	closes public hearing on SB 854
149	Bryant	opens work session on SB 886
152	Brown	explanation of SB 886
160	Sen. Brown	MOTION: Moves to ADOPT the conceptual amendments to SB 886.
162	Bryant	no discussion; no objection
164	Sen. Brown	MOTION: Moves SB 886 to the floor with a DO PASS AS AMENDED recommendation.
166	Bryant	no discussion; no objection Sen. Brown will carry SB 886
<u>SB 474--WORK SESSION</u>		
176	Bryant	open work session on SB 474
179	Bryant	explains SB 474
190	Bryant	close work session on SB 474
<u>SB 1036--WORK SESSION</u>		
194	Bryant	open work session on SB 1036
200	Bryant	explanation of SB 1036
250	Bryant	explanation of how condemnation proceedings presently work
283	Al Lightner	Right of Way Project Administration
285	Lightner	EXHIBIT H EXHIBIT I
300	Lightner	discusses EXHIBIT H
342	Bryant	what is a reasonable timeframe to give notice to land owners

344	Lightner	two weeks is fine
363	Lightner	depends on whether or not it is the true legal offer
372	Bryant	my point is that an owner before the State files a condemnation deserves a sixty day period to look at the offer explains rationale behind this
Tape 170, B		
010	Lightner	some of the problems we have encountered are: short time lines on developing areas extremely large projects
045	Lightner	discusses EXHIBIT H
066	Bryant	what is the harm in giving an appraisal
070	Lightner	I would not have a problem with this, however that appraisal is often picked to pieces and the "good" is kept and the unfavorable part is defeated
075	Bryant	that is what the property owner's attorneys will do as well
077	Lightner	the timing would be different
080	Bryant	yes, but it is more time than they have now
085	Lightner	the difficulty ODOT has is that it would be one opinion one appraisal would not do
090	Bryant	isn't that how it is done now
092	Lightner	either side can get as many appraisals as they wish
095	Leonard	does ODOT tell the property owner how much they are going to receive for their property
100	Lightner	yes, we make a written offer
125	Lightner	on average 70 % of all acquisitions we do are accepted by the property owners
128	Sen. Leonard	are you talking about people's homes or just pieces of property
131	Lightner	we deal with all kinds of situations of the 22% we were unable to agree with, we end up settling with these people
155	Lightner	resumes explaining EXHIBIT H
171	Ruth Spetter	City of Portland
178	Spetter	I would like to see a working group set up to discuss SB 474 and SB 1036
187	Spetter	discusses concerns about the bill

192	Bryant	you understand that the property owner does not normally have an original appraisal
200	Spetter	yes, this is something we can work out in a work group
227	Spetter	further discusses concerns
251	Spetter	we want to have the appraisal quite a bit ahead of time to prepare for court
305	David Lau	retired real estate appraisal; involved in a great deal of condemnation cases
310	Lau	SB 1036 needs a little bit of cleaning up suggestions made for cleaning up the bill
355	Staff	EXHIBIT J
372	Bryant	could you relate your personal experience in condemnation cases
Tape 171, B		
002	Lau	gives personal experience there is nothing magical about an appraisal, it is simply an opinion of value
015	Bryant	in the Hewitt case the property value was lowered the day before the trial, what impact does that have
035	Bryant	it is a coercive action on the part of the State this new appraisal could have a whole different set of comparable sales this happens frequently
045	Bryant	discussion on true fair market value
053	Bryant	close work session on SB 1036 we will put together a work group on SB 1036
<u>SB 855--PUBLIC HEARING AND WORK SESSION</u>		
060	Bryant	open public hearing on SB 855
070	David Amesbury	explains SB 855
111	Bryant	close public hearing on SB 855
112	Bryant	open work session on SB 855
115	Sen. BRYANT:	MOTION: Moves SB 855 be sent to the floor with a BE ADOPTED recommendation.
		no discussion; no objection

117	Bryant	Sen. Bryant will carry
<u>SB 1013--PUBLIC HEARING</u>		
120	Bryant	opens public hearing on SB 1013
125	Dick Angstrom	Governmental Affairs Manager for OCAPA
127	Angstrom	explains SB 1013
174	Richard Whitman	Attorney with Department of Justice
175	Whitman	SB 1013 would significantly change how the agency issues permits
189	Staff	EXHIBIT K
263	Paul Cleary	Director; Division of State Lands
265	Cleary	EXHIBIT L
347	John Vaughn	Director of Business Services for the Oregon State Fair
350	Vaughn	EXHIBIT M
386	Vaughn	still explaining EXHIBIT M
Tape 172, B		
008	Sen. Fisher	bill introduced on behalf of a constituent
061	Bryant	adjourns meeting at 3pm

Submitted By, Reviewed By,

Andrea Terry, David J. Amesbury,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony on SB 1034 - introduced by Alan Bennett - 5 pages

B - Proposed amendments to SB 1034 - introduced by A. Bennett - 1 page

C - Memo on SB 886 - introduced by M. Olson - 1 page

D - Memo from Cheryl Pellegrini - introduced by C. Pellegrini - 2 pages

E - Memo from Frederick Boss - introduced by F. Boss - 2 pages

F - A Bill for an Act - introduced by C. Pellegrini - 4 pages

G - Letter on SB 898 - introduced by P. Crowley - 1 page

H - Memo on SB 1036 - introduced by A. Lightner - 4 pages

I - DOJ Comments on SB 1036 - introduced by A. Lightner - 7 pages

J - Court Case Hewett Professional Group - introduced by Staff - 18 pages

K - Memo from DEQ - introduced by DEQ - 3 pages

L - Testimony on SB 1013 - introduced by P. Cleary - 6 pages

M - Testimony on SB 1013 - introduced by J. Vaughn - 1 page
