

—

**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**May 27, 1997 Hearing Room A**

**1:00pm Tapes 241 - 242**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**David J. Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 1178**

**HB 2785**

**HB 2418**

**HB 3046**

**HB 3409**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 241, A</b>		
004	Chair Bryant	opens meeting at 1:22pm
<b><u>HB 2418-- PUBLIC HEARING</u></b>		
006	Bryant	open public hearing on HB 2418
010	Matt Markee	Oregon Collector's Association
012	Markee	EXHIBIT A
032	Jeff Hassan	Attorney for Oregon Collector's Association
035	Hassan	available for questions
040	Frank Brawner	Oregon Banker's Association
042	Brawner	history of HB 2418
063	Bryant	close public hearing on HB 2418
<b><u>HB 3046-- PUBLIC HARING</u></b>		
065	Bryant	open public hearing on HB 3046
070	Frank Brawner	Oregon Banker's Association
072	Brawner	explains HB 3046
119	Brawner	still explaining HB 3046
132	Debbie Lincoln	Deputy Director, Department of Consumer and Business Services
		EXHIBIT B

134	Lincoln	EXHIBIT C
148	Lincoln	discusses financial impact
168	Bill Carpenter	Department of Consumer and Business Services
170	Carpenter	section 4 legalizes electronic signatures
184	Carpenter	discusses different sections of HB 3046
200	Brawner	agrees to the amendments, however the bill is Rep. Hill's and I would like him to see the amendments
206	Brawner	responds to financial impact statement
253	Lincoln	we do need some money for start up costs; we would repay these costs
270	Byrant	if you borrow within your agency, do you already have approval to do that
273	Lincoln	if a program is closely related and the understanding is that we pay the loan back with interest we have not been able as yet to project income because we do not know who the registrants would be
275	Bryant	close public hearing on HB 3046
<b><u>HB 2418--WORK SESSION</u></b>		
276	Bryant	open work session on HB 2418
278	Sen. Miller	<b>MOTION: Moves HB 2418 to the floor with a DO PASS recommendation.</b>
280	Bryant	no discussion; no objection Sen. Miller will carry
282	Bryant	close work session on HB 2418 open public hearing on HB 3046
<b><u>HB 3046--PUBLIC HEARING</u></b>		
304	Jim Hill	State Representative, District 5
323	Hill	responds to proposed amendments to HB 3046
366	Bryant	does the department have the authority by rule to modify the signature to be accepted in the future
373	Hill	this is a specific mechanism, I am not familiar with other mechanisms
Tape 242, A		
006	Hill	discusses key code, which is as private as your pin number

020	Nelson	how is this "hacker proof"
025	Hill	it would be extremely hard to break the code
035	Nelson	can you give me an example of how a digital signature might be used
038	Hill	a digital signature can encrypt email messages this information is stored with a trusted third party
052	Hill	gives example
075	Bryant	close public hearing on HB 3046
078	Bryant	open work session on HB 3046
110	Bryant	conceptual amendment
115	Sen. Bryant	<b>MOTION: Moves HB 3046 to the floor with a DO PASS AS AMENDED recommendation.</b>
117	Bryant	no discussion; no objection Sen. Nelson will carry
<b><u>HB 2785-- PUBLIC HEARING</u></b>		
145	Bryant	open public hearing on HB 2785
149	Rob Bovett	Lincoln County Legal Counsel
151	Bovett	EXHIBIT D EXHIBIT E
174	Frank Brawner	Oregon Banker's Association
178	Brawner	EXHIBIT F
221	Staff	EXHIBIT G
269	Paul Cleary	Director, Division of State Lands
270	Cleary	EXHIBIT H
335	Bryant	close public hearing on HB 2785 open public hearing on SB 1178
<b><u>SB 1178-- PUBLIC HEARING</u></b>		
363	Gary Conkling	representing the Cole Family
365	Conkling	EXHIBIT I EXHIBIT J

Tape 241, B		
002	Conkling	still discussing EXHIBIT I
050	Mark O'Donnell	attorney for Cole Family
053	O'Donnell	discussing EXHIBIT J
080	O'Donnell	explains condemnation laws and proceedings in this state
089	Sen. Leonard	can you distinguish ODOT condemning property and LTD condemning property
094	Conkling	one distinction is that state agencies are subject to State procedures and in the case of LTD that isn't so
096	Sen. Bryant	condemnation proceedings must still be followed
106	Bryant	did LTD follow the correct procedures in terms of condemnation
110	O'Donnell	explains the procedure that LTD used in the condemnation proceedings
130	Conkling	explains distinction between city/county condemnation and ODOT condemnation
152	Bryant	my problem with your chart is your zoning example
170	O'Donnell	the transit district is unique because the transit district does not have a comprehensive plan we need simplified procedures that are the same in all governmental agencies
226	Bryant	we passed SB 1036, which gives land owners more rights
232	Sen. Miller	if a zone change is made that affects your property then you get notice of the zone change
238	O'Donnell	if it is for your specific property, then yes you do received notice
242	Miller	if the state decided to fence in every stream, would the property owner receive notice of this
248	O'Donnell	I don't know the specific answer to this I am not sure of the specificity of the notice
266	Miller	I think you are suggesting that in certain situations the government gives you notice of condemnation and sometimes the government doesn't give you notice it seems that you should get a notice every time your property is involved
270	O'Donnell	the fundamental issue is that before the government can take property, the land owners should be able to have a hearing
307	O'Donnell	discusses why Legislature should help these people and change the laws
338	Conkling	discusses the A2 amendment

387	Bryant	if this bill goes through would you be willing to have it apply to all public agencies
Tape 242, B		
001	Conkling	we haven't even thought about that, and I wouldn't even know how to write that amendment
015	Bryant	shouldn't all public agencies have the same policy regarding letting people know that their property is being taken
020	O'Donnell	we disagree with the Oregon Land Use Coalition
030	Roger Martin	Oregon Transit Association
032	Martin	tired of LTD being vilified condemnation proceedings have not even begun on the Cole property Mr. Cole said to LTD "make me an offer" on his property explains Cole case from LTD perspective
084	Sen. Brown	people should be entitled to notice and due process in a condemnation case
092	Stefano Viggiano	Planning and Development Manager, Lane Transit District
096	Viggiano	discusses steps that were taken regarding condemnation case surrounding the Coles we are months away from deciding on a place for the proposed park and Ride
133	Sen. Leonard	what is the case that the Coles are presenting they have an attorney and condemnation proceedings have not yet begun, this seems a little strange
145	Viggiano	I am not an attorney so I am not sure what the case is it is clear to me now that the Coles don't want to sell their property
160	Martin	I can't tell you why all of this legal stuff has started
180	Miller	is there a preferred site for this "Park and Ride"
190	Viggiano	the board has determined that the Cole property is a "preferred site"; this did not happen until January
200	Miller	wouldn't you be nervous if your property was a "preferred site"
202	Viggiano	yes, but we told the Coles that it would be six months
205	Miller	so you would agree that notice should be given to potentially affected land owners before condemnation proceedings
208	Viggiano	I would not

211	Martin	I would happy to check with an attorney regarding condemnation and how he feels about this
214	Miller	this is a good discussion, I would be curious to hear how others feel
226	Sen. Nelson	was it a preferred site or the preferred site
230	Viggiano	it was originally slated as the preferred site, but LTD has gone back and is looking into other sites
246	Bryant	close public hearing on SB 1178 open work session on HB 2785
<b><u>HB 2785--WORK SESSION</u></b>		
248	Amesbury	explanation of conceptual amendments
260	Bryant	MOTION: Moves -A5 amendments conceptually be adopted
262	Bryant	no discussion; no objection
263	Bryant	MOTION: Moves Sheriff's Association amendments conceptually be adopted
264	Bryant	no discussion; no objection
265	Bryant	MOTION: Moves Division of State Lands amendments
267	Amesbury	this amendment reads consistent with Paul Cleary's testimony
270	Bryant	no other discussion; no objection we need to bring this back in LC form
<b><u>HB 3409--WORK SESSION</u></b>		
274	Bryant	open work session on HB 3409
276	Bryant	MOTION: Moves HB 3409 to The Committee on Rules and Elections
280	Bryant	Adjourns meeting at 3:00pm

**Submitted By, Reviewed By,**

**Andrea Terry, David J. Amesbury,**

**Administrative Support Counsel**

## **EXHIBIT SUMMARY**

- A - Testimony on HB 2418 - introduced by Matt Markee - 4 pages**
  - B - Proposed amendments to A-Engrossed HB 3046 - introduced by D. Lincoln - 1 page**
  - C - Fiscal Impact Statement on HB 3046-7 - introduced by D. Lincoln - 2 pages**
  - D - Memo from Lincoln County Legal Counsel - introduced by R. Bovett - 1 page**
  - E - Proposed amendments to HB 2785 - introduced by R. Bovett - 1 page**
  - F - Testimony of Frank Brawner on HB 2785 - introduced by F. Brawner - 10 pages**
  - G - Proposed amendments to HB 2785-A5 - introduced by LC - 3 pages**
  - H - Testimony of Paul Cleary on HB 2785 - introduced by P. Cleary - 4 pages**
  - I - Testimony in support of SB 1178 - introduced by G. Conkling - 2 pages**
  - J - Balancing SB 1178 - introduced by G. Conkling - 6 pages**
-