

JOINT MEETING OF THE SENATE AND HOUSE SPECIAL SESSION COMMITTEES ON GOVERNMENT AFFAIRS

February 01, 1996      Hearing Room F  
10:50 A.M.      Tapes 1 A - 3 A

SENATE

MEMBERS PRESENT:

Sen. Greg Walden, Chair  
Sen. Cliff Trow  
Sen. Paul Phillips  
Sen. Ron Cease  
Sen. Ken Baker

HOUSE

MEMBERS PRESENT:

Rep. Bob Repine, Chair  
Rep. Lee Beyer  
Rep. Margaret Carter  
Rep. Denny Jones  
Rep. Bob Montgomery

MEMBERS EXCUSED:

STAFF PRESENT:

Mike Stinson, Fiscal Analyst  
Ken Rocco, Fiscal Analyst  
Janet Adkins, Policy Analyst  
Pat Zwick, Committee Staff  
Jim Stembridge, Committee Staff  
Amy D. Sweany, Administrative Support

ISSUES CONSIDERED:    Public Hearing on SB1161

Public Hearing on HB3481  
Work Session on HB3481  
Public Hearing on HB3482  
Work Session on HB3482  
Public Hearing on HB3483  
Work Session on HB3483  
Public Hearing on HB3484  
Work Session on HB3484  
Public Hearing on HB3485  
Work Session on HB3485  
Public Hearing on HB3486  
Work Session on HB3486  
Public Hearing on HB3487  
Work Session on HB3487

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

#### Public Hearing on SB1161

Witnesses: Representative Tim Josi, District 2  
Ozzie Rose, Confederation of Oregon School Administrators  
Beth Hutchins, Parent, Multnomah County  
Linda Hutchins, Parent, Multnomah County  
John Danielson, Oregon Education Association (OEA)  
Jacob Oken-Berg, Student, Lincoln High School  
David Heald, Student, Lincoln High School  
Molly Montgomery, Student, Lincoln High School  
Andrew Moore, Student, Lincoln High School  
Justin Timmons, Junior, Franklin High School  
Tom Zeemer, Sophomore, Franklin High School  
Tory Ruark, Sophomore, Franklin High School  
Jennie Sharff, Senior, Lincoln High School  
Annie Mortland, Senior, Lincoln High School  
Caroline Olson, Student, Grant High School  
Cameron Pittman, Student, Grant High School  
John Boyer, Senior, Grant High School  
Joseph Bartels, Student, Grant High School  
John Wilhelmi, Teacher and Parent  
Kwame Briggs, Senior, Jefferson High School  
Representative Anitra Rasmussen, District 11, Parent  
Dick Wold, Superintendent of Southern Oregon Coast Schools  
Minna Brown, 5th Grade Student, Richmond Elementary  
Joanna Ames, 5th Grade Student, Richmond Elementary  
Tassie Mardikes, 5th Grade Student, Richmond Elementary  
Roslyn Tucker, Parent of child in Richmond Elementary  
Lach Litwer, Student, Portland  
Christi Seal, Student, Madison High School  
Dawn Proxiv, Student, Madison High School  
Alesha True, FOCUS Alternative Program, Madison High School  
Andrea Tull, Student, Madison High School  
Angela Freyer, Student, Madison High School  
Simon Thomas, Junior, Lincoln High School:  
Nolan Lienhart, Junior, Student, Lincoln High School  
Jodi Lorimer, Wife of teacher and Mother of student in Portland Public School

#### Tape 1-A

134 SEN. GREG WALDEN, Chair, Senate Special Session Committee on Government Affairs: Calls meeting to order at 10:50 a.m. Opens PUBLIC HEARING on SB1161

138 REP. BOB REPINE, Chair, House Special Session Committee on Government Affairs: Calls meeting to order at 10:52 p.m. Opens PUBLIC HEARING on SB1161

141 SEN. WALDEN, Chair: Pleased to have such a large turnout of people to testify on public hearing on SB1161.

151 SEN. CEASE: Mentioned that students from every high school in the Portland area were attending today's public hearing.

155 REP. REPINE, Chair: Asks if there would be an overflow room available.

157 SEN. WALDEN, Chair: Yes. Made suggestions on how to and how not to present testimony to a Legislative Committee. Told people to sign the Witness Registration Sheets.

187 SEN. BAKER: Do we have a time limit for accepting verbal testimony?

189 SEN. WALDEN, Chair: I was going to base that upon how many people have signed up.

190 REP. CARTER: There are students from Jefferson High School that do not mind speaking.

204 REP. TIM JOSI, House District 2: Presented testimony on SB1161. Discussed memo he received from Ozzie Rose. [EXHIBIT A] His area has had lots of road closures due to bad weather. Proposes that school districts receive the same amount of funding now that they received in 1993-94. Any unanticipated revenues from property taxes would go to school districts, 1/3 to flat-funded districts and 2/3 to equity districts. Legislative Counsel is currently in the process of drafting legislation.

247 SEN. WALDEN, Chair: Do we have that memo? We do not have that memo.

249 REP. REPINE, Chair: In which way would we have received that memo?

250 REP. JOSI: SEN. CEASE had copies made.

253 SEN. CEASE: We should have made copies for everybody, but that didn't happen.

254 SEN. WALDEN, Chair: We'll get some copies made.

258 REP. JOSI: Please address this issue in your work session. It's a win-win situation.

266 OZZIE ROSE, Confederation of Oregon School Administrators: The money Rep. Josi is talking about would be created in two different ways. 1) If the assessed value in 1996-97 grows more than 8.9%. 2) If the ADM count drops so that the target amount per student is met. My objective is to get more money for schools and to stay with equity.

291 SEN. BAKER: SB1161 is the bill we are addressing. We are \$55 million short for grades K-12. Do you support or oppose the bill?

296 ROSE: We would prefer that you...

297 SEN. BAKER: Yes or no question.

298 ROSE: We are not going to oppose the bill.

299 SEN. BAKER: "You would not oppose the bill?"

299 ROSE: "Right."

300 SEN. WALDEN, Chair: "Does that mean you support the bill?"

301 ROSE: "We're not going to oppose the bill, Senator."

303 SEN. CEASE: I assume you would rather have the bill with an amendment to it?

305 ROSE: "Right."

307 REP. REPINE, Chair: Rep. Josi, based on the timeline, how is the amendment progressing?

309 REP. JOSI: It's in word processing now and should be ready by noon.

312 REP. REPINE, Chair: After we are done with the public hearing, the Senate will discuss a possible work session?

316 SEN. WALDEN, Chair: The amendment would have to come from the Senate side.

319 SEN. CEASE: I will make that amendment at the time we have a work session.

320 SEN. WALDEN, CHAIR: You say you don't oppose this bill, can you tell me what effect it would have on schools if this bill fails?

322 ROSE: If you don't do anything, this first year of the biennium, the flat-funded districts will receive \$30 more per kid than anticipated and the equity districts would receive about \$34 per kid. Depending on the level of tax increase that's not anticipated, during the second year of the biennium the flat-funded districts would be flat-funded and the equity districts would swallow between \$10-\$20 million in loss.

331 SEN. WALDEN, Chair: "How much would that be per student?"

332 ROSE: It would be a significant whack for the equity districts if you don't pass the bill.

339 SEN. TROW: If we passed the bill what would the fiscal impact be?

340 ROSE: As presented?

341 SEN. TROW: No, as per your amendment.

342 ROSE: You are currently projecting the growth assessment value in the second year at 8.9% and this past year was about 11%. Every percent above 8.9% creates about \$8.5 million. You may create \$10-\$15 million that isn't currently available. This doesn't unbalance the current set of numbers.

365 REP. REPINE, Chair: If you would like to testify, please sign up on a new Witness Registration Sheet.

371 BETH HUTCHINS, Parent from Multnomah County: Introduced infant son. We need more money in the schools.

382 REP. REPINE, Chair: Where are you from and what is the status of your school district?

386 HUTCHINS: Concerned about Troutman Elementary, a school that would stand to lose about 25% of its staff

under the proposed budget. Continues testimony.

399 REP. REPINE, Chair: Where did you get the information that there will be a reduction in the elementary school?

409 HUTCHINS: My sister did some research for the PTA there.

414 LINDA HUTCHINS, Parent: Has kindergartner in Chapman Elementary in Portland Public School system. On an average, elementary schools in Portland are budgeted to lose 13% of their FTE's. Because we don't receive federal funding, we still have a needy segment of the population. Chapman elementary will lose 28% of its FTE's.

TAPE 2-A

005 LINDA HUTCHINS: Continues testimony. The Jefferson Arts Program, the Lincoln International Baccalaureate Program and Athletics are standing to be cut.

015 JOHN DANIELSON, Oregon Education Association (OEA): In support of SB 1161. We have been concerned since Ballot Measure 5 passed in 1990. Would like to see some minor "tweaking" of the bill. Concerned about the effects on flat-grant districts. We recognize that school formulas are imperfect. Explains understanding of the school funding process.

046 DANIELSON: Continues testimony. The first \$5 million produced each year would go to flat-grant districts. We are here to say that the equity districts are going to get an increase. Are moving closer to equity than any other state that has had these problems. We hope you will retain the \$5 million for the flat-districts in the second year. The equity districts would continue to have funding increases. We would support Rep. Josi's amendment.

086 SEN. CEASE: Would the \$5 million come out of the general fund?

089 DANIELSON: You are making a projection on what the property tax will generate during the 1996-97 fiscal year. Explains.

095 SEN. CEASE: If you provided the \$5 million, would it hurt the equity districts?

096 DANIELSON: Their argument is that the high-spending districts are still getting more money.

105 SEN. CEASE: All flat-funded districts are not urban.

108 DANIELSON: I did mention Enterprise.

116 JACOB OKEN-BERG, Student, Lincoln High School: Discusses the International Baccalaureate (IB) Program at Lincoln High School. Because of the shortfall, Portland School Districts will lose \$13 million. This translates between 10-14 teachers in our school. These cuts will probably occur in our IB program.

132 DAVID HEALD, Student, Lincoln High School: There are no Honors programs in our schools. If the IB program is cut, there will be no advance placement classes in our school. The classes and teachers are great.

139 MOLLY MONTGOMERY, Student, Lincoln High School: Our Magnet (International Studies) program will be cut which includes the international exchange student program. Describes the Magnet program.

153 ANDREW MOORE, Student, Lincoln High School: Portland schools' Magnet Programs will be cut.

161 SEN. TROW: Thanked the students for their testimony.

167 HEALD: There are 10-14 FTE's being cut which translates to 60 classes and possibly 60 kids.

171 MOORE: There are 5th and 6th-year combined with 7th and 8th-year students in our German class.

176 OKEN-BERG: We would appreciate it if you could maintain our current level of funding.

180 SEN. WALDEN, Chair: Actually this bill would put \$22 million into the funding system.

185 REP. MONTGOMERY: Complimented the students.

199 JUSTIN TIMMONS, Junior, Franklin High School: We have come to speak to you about the cuts that are happening not only in our schools but in all schools in the State of Oregon. We have a law program with 400 students that will be cut. Describes program. It's also the after school programs in the Portland schools.

221 TORY RUARK, Sophomore, Franklin High School: I don't have numbers, amendments or things to bring you. I am not a statistic, I am a 16-year old person. I need to pay \$75 per each extra curricular activity that I want to participate in.

242 TOM ZEEMER, Sophomore, Franklin High School: Some of us don't have two parents. For some of us, our teachers are our role models. We won't forget however you vote. We'll be able to vote soon, and we'll remember how you voted.

264 SEN. CEASE: This Portland School District has suffered over the years since 1990. I understand that the district has tried to make cuts in non-instructional areas. There will be cuts in instructional areas this year.

275 SEN. TROW: Corvallis has experienced some drastic cuts.

280 RUARK: Some students are attending Franklin because of the law program. If the law program is cut, we will lose students and 11-12 teachers.

289 REP. JONES: Thanked the students for their testimony. Assured them that the Legislators are attempting to replace lost funds. We are in the budgeting process right now. We are trying to restore lost money with SB1161.

308 RUARK: We don't lose money just around budget time. We lose money throughout the school year.

325 JENNIE SHARFF, Senior, Lincoln High School: We are here to talk about what is going on at our school. Our teachers are teaching oversized classrooms and becoming stressed. Basic classes are being cut.

341 ANNIE MORTLAND, Senior, Lincoln High School: Classes people need to graduate are being cut because there are too many students.

344 SHARFF: Some people are taking night classes for graduation requirements.

346 MORTLAND: Our International Studies Center is being cut.

355 SHARFF: The diversity would be taken out of our school.

- 355 MORTLAND: People who are attending Lincoln from outside the area bring a lot of diversity.
- 360 SHARFF: It would limit opportunities for anyone outside of the neighborhood to get into the school.
- 366 MORTLAND: We both play sports. The fees have gone up since I was a Freshman.
- 378 SHARFF: A lot of people can't afford to play after-school sports. We are concerned about those students graduating after us.
- 390 MORTLAND: In California everyone goes to private schools and public schools are not even an option. We are worried about the future generations.
- 398 SHARFF: We want to return to Portland, raise our children and send them to the public schools.
- 400 SEN. WALDEN, Chair: Thanked the students for their presentation. Asked people who are waiting to present testimony to keep their comments to four minutes each. Asked Rep. Rasmussen if she wanted to speak now.
- 410 REP. ANITRA RASMUSSEN, District 11: I'll wait.
- 418 CAROLINE OLSON, Student, Grant High School: I am concerned about students from low-income and disadvantaged families. Mentions the Bridge Program for high-risk students. There will be negative, long-term effects if the program is cut.
- TAPE 1-B
- 002 CAMERON PITTMAN, Senior, Grant High School: Described voluntary desegregation. When budget cuts occur, there will be more of a class distinction because more kids will be going to private school. These cuts will affect future generations. You cannot teach an advance placement class to 35 people. Teachers have not had a pay raise for the last three years, which has been voluntary.
- 030 SEN. WALDEN, Chair: I wasn't aware of that.
- 032 PITTMAN: Continues testimony. We would like to be able to compete with other students that will become world leaders.
- 042 SEN. WALDEN, Chair: I want to make it clear that we are trying to put money into the system, not make further cuts.
- 050 JOHN BOYER, Senior, Grant High School: Gave personal testimony about what teachers have done in his life. As a singer and musician, his instructor took the choir, of which he is a member, to France to compete in the D-Day Contest. Bruce McDonald, our drama director, has presented huge productions as fund-raisers for the school. I was able to audition and got a song and dance role in the movie, "Mr. Holland's Opus."
- 094 JOSEPH BARTELS, Student, Lincoln High School: In Portland, the funds go for Magnet programs. Defines Magnet programs. Cutting the Magnet programs will hurt voluntary de-segregation. A lot of special programs will be cut at a time when Portland is very important in the international scene.
- 145 KWAME BRIGGS, Senior, Jefferson High School: Some of the activities at Jefferson are in jeopardy. Mentions choir and sports as some of the types of programs that need funding.

176 JOHN WILHELMI, Teacher and Parent: I am a parent with two children in a Spanish Immersion program. My wife and I were looking forward to see our children complete the immersion program. As a teacher, I am in support of your bill that will give additional funding to education. I am finding it real difficult to look students in the eye and try to explain to them why they will not have a grad night party or why the prom will be held in the gym.

211 WILHELMI: Continues testimony. Fearful they are no longer going to have the energy or the heart to explain to the children why they no longer have the things their older brothers and sisters may have had. I choose to be at Jefferson High School and would be nothing but a failure if I wasn't down here with my students trying to get money for the school so the students would have better chances.

238 REP. ANITRA RASMUSSEN, District 11, Parent: The cuts that have been discussed so far are cuts that are going to happen. SB1161 keeps those cuts from becoming really deep. If all the excess property tax is gathered the Portland district will be \$15-16 million shortfall. Let's just not make it any worse than it is.

280 DICK WOLD, Superintendent of schools on Southern Oregon Coast: Two issues - one is to back-fill the losses and the second is whether or not you're going to use the excess property taxes as part of that back-fill. Please look other places in the general fund than the property taxes to fill the holes. Gives history of small district of 35 staff members and the way the property tax would affect them. Budget is \$254,000 less this year than it was a year ago in order to have a balanced budget this year. Of 3 schools in my district, 2 lost funding due to small school funding mechanism. Looking at \$385,000 loss of funds. Changed configuration of schools to be able to apply and qualify for small school qualification. If you don't back-fill, we face a huge loss, if you change the funding structure, we lose again. Would like to have a lot of programs like Portland schools that I could give up when the cuts hit, but I don't. Having to cut programs that we can no longer do. Thinks that Committees are faced with something more and larger and bigger than what they're facing in the Portland schools. The smaller, rural schools are affected, too. Look at other places in the general fund to fill this hole.

398 MINNA BROWN, 5th Grade Japanese Magnet Program Student, Richmond Elementary: Our teacher, Mr. Henderson, was issuing homework and we asked for extra copies just in case we might lose it. He told us that due to budget cuts he didn't have the money to use copiers or even the paper to make additional copies of the homework. The budget cuts have already hit our school.

427 JOANNA AMES, 5th Grade Japanese Magnet Program Student, Richmond Elementary: All students need the same opportunity.

437 TASSIE MARDIKES, 5th Grade Japanese Magnet Program Student Richmond Elementary: Kindergarten might be cut, too.

Tape 2-B

004 BROWN: They want to cut it.

005 MARDIKES: Yeah. My sister has been looking forward to going to the school because I read to my sister now and she wants to do that, too.

012 REP. MONTGOMERY: Is this the school in South East Portland?

012 BROWN: Yes.

012 REP. MONTGOMERY: My wife went to that school.

014 BROWN: It's a real good school and we've learned a lot.



017 REP. REPINE, Chair: You have conducted yourselves well.

028 ROSLYN TUCKER, Parent of child in Richmond Elementary: Richmond Kindergarten is going to be cut. We need stable and adequate funding for our schools. There is a direct link between juvenile delinquents and lack of education. Supposedly Ballot Measure 5 was passed to stimulate the economy and bring money into the General Fund.

078 LACH LITWER, Student: We at Portland take a lot of students with autism and other special needs. These programs do cost money and are not cheap. We don't get a second copy of an assignment either. One idea to generate more money was to have a section on tax forms that would be for a tax deductible donation towards schools.

107 CHRISTI SEAL, Student, Madison High School: Read proposed budget proposal for next school and is upset. Explains.

126 DAWN PROCIV, Student, Madison High School: We are going to lose 14 positions. Last year we lost two teachers. We are looking at losing other programs, too. We have 24 languages.

137 SEN. WALDEN, Chair: Twenty-four different languages?

138 PROCIV: Yes.

139 SEAL: There are a lot of different nationalities in our school.

140 SEN. WALDEN, Chair: Some of us represent districts that would die for some of the programs you have.

142 SEAL: We have a large Special Education program and a day-care that we need money for.

145 ALESHA TRUE, FOCUS Alternative Program, Madison High School: If it wasn't for the FOCUS program, I wouldn't be in schools much less getting ready to graduate. Shares personal experience.

163 PROCIV: I might just be one person, but I am more than one with those who follow behind me.

168 REP. CARTER: There are 24 different languages at the school, not 24 different programs. We have students of all abilities and nationalities, we don't have the luxury of homogeneity.

181 SEN. WALDEN, Chair: I was not criticizing at all... . I thought they were saying they had 24 different language programs. I think the different programs are great. 20% of my population is Hispanic and there is a large constituency of Japanese people.

206 ANDREA TULL, Student, Madison High School: We are here to support our education.

212 ANGELA FREYER, Student, Madison High School: In health occupations program (another Magnet program.) This program might be cut. Some representative told me that there was "left-over money." If we have so much "left-over money," why are teachers being cut?

234 SIMON THOMAS, Junior, Lincoln High School: Gives personal testimony regarding an old school administrator and other teachers who had a great impact on him. Mentions instructors that are grading up to 1,100 papers. The teachers are the most important person in educating students and they shouldn't have to have such large classes. It

would be nice if they could focus on teaching instead of if they have enough paper.

262 NOLAN LIENHART, Junior, Student, Lincoln High School: Cultural diversity is very low at our school. Black kids are reluctant to come to Lincoln because they don't want to be a minority. If the Magnet program is canceled, we can't have a loss of any more minority students.

309 JODI LORIMER, Wife of teacher and Mother student in Portland Public School: Each year for the last nine years my property taxes have increased and my husband's salary has not increased. High school is much more sophisticated and different than it was when we attended high school. Teachers are holding the schools together. Pleased to hear the students giving testimony about how important their teachers were to them. Some kids are getting counseling from their teachers. Teachers teach more than the subjects they are assigned to. They support students 1000 different ways. Teachers are being forced to fund projects out of their own diminishing funds.

353 LORIMER: Continues testimony. This is not about statistics, this about real serious personal concerns. Many people are leaving their positions. They have been told that there is nothing that they can do.

387 SEN. WALDEN, Chair: Closes the Public Hearing on SB1161 at 12:54 PM.  
The Senate is in recess and will reconvene in Hearing Room E at 1:25 PM.

395 REP. REPINE, Chair: Closes the Public Hearing on SB1161 at 12:55 PM.  
The House will recess and reconvene in Hearing Room F at 1:25 PM.

408 REP. REPINE, Chair: Reconvened the meeting at 1:44 p.m. without the Senate Special Session Committee on Government Affairs.

423 REP. MONTGOMERY: The bills that we will be addressing are the same ones we've had in the past?

426 REP. REPINE, Chair: Yes.

430 Opens the PUBLIC HEARING on HB3481

432 JANET ADKINS, Policy Analyst: HB3481 Relates to confined animal feeding operation complaints.

Tape 3-A

001 REP. JONES: I would like to move this.

002 REP. REPINE, Chair: Is there anyone to testify on HB3481? No?

004 Closes the PUBLIC HEARING on HB3481  
Opens the WORK SESSION on HB3481

006 MOTION: REP. JONES: Moves that HB3481 be sent to the Floor with a DO PASS recommendation.

VOTE: REP. REPINE, Chair: Hearing no objection the motion CARRIES. REP. CARTER is EXCUSED.

REP. JONES will lead discussion on the Floor.

010 Closes the WORK SESSION on HB3481

Opens the PUBLIC HEARING on HB3482

014 ADKINS: HB3482 Prescribes a system in statute for collaborative regional problem-solving process for land use decisions.

021 REP. REPINE, Chair: On that request for approval, if the Commission found some difficulties they would have to make recommendations.

025 ADKINS: "That is my understanding as well."

025 REP. REPINE, Chair: This is similar to a piece of legislation that was passed in another land use bill in a pilot program that was set up for Jackson county.

028 ADKINS: There is funding allotted for up to four pilots.

029 REP. REPINE, Chair: Anyone wishing to testify on HB3482?

031 JIM STEMBRIDGE, Committee Staff: "No one is signed up."

033 Closes the PUBLIC HEARING on HB3482  
Opens the WORK SESSION on HB3482

034 MOTION: REP. BEYER: Moves that HB3482 be sent to the Floor with a DO PASS recommendation.

037 VOTE: REP. REPINE, Chair: Hearing no objections the motion CARRIES.

REP.

CARTER is EXCUSED.

REP. BEYER will lead the discussion on the Floor.

041 Opens the PUBLIC HEARING on HB3483

043 ADKINS: HB3483 Is the cormorant and juvenile salmonid bill that directs the Fish and Wildlife Commission to issue up to three permits for activities to protect juvenile salmonids from cormorants.

047 REP. REPINE, Chair: Anyone signed up to testify?

051 JIM STEMBRIDGE, Committee Staff: No.

052 Closes the PUBLIC HEARING on HB3483  
Opens the WORK SESSION on HB3483

053 MOTION: REP. MONTGOMERY: Moves HB3483 be sent to the Floor with a DO PASS recommendation.

VOTE: REP. REPINE, Chair: Hearing no objection the motion CARRIES. REP. CARTER is EXCUSED.

REP. CARTER will lead discussion on the Floor.

066 Closes the WORK SESSION on HB3483  
Opens the PUBLIC HEARING on HB3484

068 ADKINS: HB3484 Relates to noise and noise pollution of shooting ranges.

074 REP. REPINE, Chair: Anyone signed up? Staff are indicating no.

078 Closes the PUBLIC HEARING on HB3484  
Opens the WORK SESSION on HB3484

080 MOTION: REP. BEYER: Moves that HB3484 be sent to the Floor with a DO PASS recommendation.

083 VOTE: REP. REPINE, Chair: Hearing no objection the motion CARRIES.  
REP.  
CARTER is EXCUSED.

084 REP. MONTGOMERY will lead discussion on the floor.

086 Closes the WORK SESSION on HB3484  
Opens the PUBLIC HEARING on HB3485

Witnesses: Ray Wilkeson, Oregon Forest Industries Council  
Representative Cedric Hayden, District 28

089 ADKINS: HB3485 Modifies harvesting and reforestation requirements under the Oregon Forest Products Act and modifies the Board of Forestry under that Act.

100 REP. REPINE, Chair: Could you indicate the infamous 11 lines that are missing?

105 ADKINS: I know where they are in the LC. Section 7...?

110 KEN ROCCO, Fiscal Analyst: Section 9.

111 REP. REPINE, Chair: Section 9?

113 REP. BEYER: It must be on page 10.

115 ADKINS: I think they go from lines 2-... .

117 REP. REPINE, Chair: From what I understand, they just preempted some of the sections.

117 ADKINS: They were left out.

119 REP. REPINE, Chair: From 2-13, then?

118 ADKINS: That looks right.

120 JONES: On page 10 from line 2?

120 REP. REPINE, Chair: To 13.

121 ADKINS: It's all of section 3 A and B.

122 REP. REPINE, Chair: I knew that was an issue. Anyone signed up?

130 JIM STEMBRIDGE, Committee Staff: "No one has signed up to testify on this bill."

133 RAY WILKESON, OREGON FOREST INDUSTRIES COUNCIL: My Board of Directors met last Friday and asked me to deliver their position on Section 16 in HB3485 regarding rule-making standards. If the Legislature was willing to do so, we would like to return to the language that existed in June. I understand that might not be possible.

153 REP. REPINE, Chair The witness was referring to an earlier conversation that we had.

159 REP. CARTER: A deal is a deal. With your permission, I would be willing to work with the Governor's personnel and Mr. Wilkeson to reinstate the originally written section of this bill.

164 REP. REPINE, Chair: In our session or last Special Session?

164 REP. BEYER: The last Special Session.

165 REP. CARTER: Right.

167 REP. JONES: The initiative applies to rule making.

176 REP. CARTER: I'm back to a deal is a deal. This is language that we worked hard to develop in the last Special Session. I think if there were any further changes that might create some problems.

187 REP. CEDRIC HAYDEN, District 28: In support of HB3485. Requests that Section 19 be deleted.

192 REP. REPINE, Chair: Any questions?

196 REP. MONTGOMERY: Section 19 be deleted?

197 REP. REPINE, Chair: Yes. That's the Sunset provision.

200 Closes the PUBLIC HEARING on HB3485  
Opens the WORK SESSION on HB3485

203 MOTION: REP. MONTGOMERY: Moves HB3485 be sent to the Floor with a DO PASS recommendation.

VOTE: REP. REPINE, Chair: Hearing no objection the motion CARRIES. All members are present.

REP. BEYER will lead discussion on the floor.

215 Closes the WORK SESSION on HB3485

Opens the PUBLIC HEARING on HB3486

218 JANET ADKINS, Policy Analyst: HB3486 Prohibits local governments from adopting and enforcing any regulations more restrictive than state standards regarding sale and use of pesticides.

226 REP. REPINE, Chair: Any testimony?

226 JIM STEMBRIDGE, Committee Staff: No.

230 Closes the PUBLIC HEARING on HB3486  
Opens the WORK SESSION on HB3486

231 MOTION: REP. JONES: Moves HB3486 be sent to the Floor with a DO PASS recommendation.

VOTE: REP. REPINE: Hearing no objection the motion CARRIES. All members are present.

REP. JONES will lead discussion on the Floor.

237 Closes the WORK SESSION on HB3486  
Opens the PUBLIC HEARING on HB3487

239 ADKINS: HB3487 Regards gasoline stations and allows a non-retail facility to get a conditional use license when a retail facility is only within 7 miles, a 3 mile reduction from the previously stated 10 miles.

248 REP. REPINE, Chair: Any testimony?

249 JIM STEMBRIDGE, Committee Staff: "No one is signed up."

250 Closes the PUBLIC HEARING on HB3487  
Opens the WORK SESSION on HB3487

MOTION: REP. BEYER: Moves HB3487 be sent to the Floor with a DO PASS recommendation.

VOTE: REP. REPINE, Chair: Hearing no objection, the motion CARRIES. All members are present.

REP. BEYER will lead discussion on the Floor.

307 REP. REPINE, Chair: We are scheduled to attend a meeting with the Senate Special Session Committee on Crime and Corrections when they are available.

314 REP. JONES: Is that a joint meeting?

314 REP. REPINE, Chair: Yes.

316 REP. BEYER: Is there any chance that we can do our next meeting now?

322 REP. REPINE, Chair: In all fairness, no. Stand down until 2:30 p.m.

337 REP. MONTGOMERY: What is the evening schedule?

339 REP. REPINE, Chair: We are to go to the House Floor at 4:00 p.m. and then a Joint Public Hearing with the Senate Special Session Committee on Government Affairs in Hearing Room F on the three other Light Rail bills at 6:30 p.m.

349 REP. CARTER: Can we have an hour break for a meal?

370 REP. REPINE, Chair: Recessed at 2:08 until 2:30 p.m.

Letter to Representative Anitra Rasmussen from Joanna M.M. Ames submitted as EXHIBIT B.

Submitted by, Reviewed by,

Amy D. Sweany, Janet Adkins,  
Administrative Support Policy Analyst

#### EXHIBIT SUMMARY:

A - SB1161 - Letter to Representative Tim Josi- Ozzie Rose - 1 page

B - SB1161 - Letter to Representative Anitra Rasmussen - Joanna M. M. Ames  
- 1 page

JOINT MEETING OF THE SENATE AND HOUSE SPECIAL SESSION COMMITTEES ON GOVERNMENT AFFAIRS

February 01, 1996      Hearing Room F  
6:30 p.m.      Tapes 4 A - 5 B

SENATE

MEMBERS PRESENT:

Sen. Greg Walden, Chair  
Sen. Cliff Trow  
Sen. Paul Phillips  
Sen. Ron Cease  
Sen. Ken Baker

HOUSE

MEMBERS PRESENT:

Rep. Bob Repine, Chair  
Rep. Lee Beyer  
Rep. Margaret Carter  
Rep. Denny Jones  
Rep. Bob Montgomery

MEMBERS EXCUSED:

STAFF PRESENT:

Mike Stinson, Fiscal Analyst  
Ken Rocco, Fiscal Analyst  
Janet Adkins, Policy Analyst  
Pat Zwick, Committee Assistant  
Amy D. Sweany, Administrative Support

ISSUES HEARD:

Public Hearing on HB3480  
Public Hearing on HB3478  
Public Hearing on HB3479  
Work Session on HB3480  
Work Session on HB3478  
Work Session on HB3479

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

Tape 4-A

001      REP. REPINE, Chair, House Special Session Committee on Government Affairs: Opens the House portion of the



Joint meeting at 6:30 p.m.

007 SEN. WALDEN, Chair, Senate Special Session Committee on Government Affairs: Opens the Senate portion of the Joint meeting at 6:32 p.m.

011 Opens the PUBLIC HEARING on HB3480

Witnesses: Representative Cedric Hayden, District #28  
Representative Patti Milne, District #38  
Representative Jerry Grisham, District #23  
Rollie Wisbrock, Chief of Staff, State Treasurer  
Bill Nessly, Jr., Assistant Attorney General, Oregon Department of Justice  
Chuck Smith, Oregon State Treasury  
Tom Walsh, General Manager, Tri-County Metropolitan Transportation District of Oregon  
Ed Lindquist, Clackamas County Commissioner  
Craig Lomnicki, Mayor, Milwaukie  
Karen O'Dowd, Staff, Milwaukie Downtown Development Association

013 JANET ADKINS, Policy Analyst: HB3480 is a portion of SB1156 that would provide a financing method for the extension of a light rail system called the South-North leg of the system. It would also provide several mechanisms to fund a transportation equity account of an equal amount to go for other transportation projects and specify transportation projects over the rest of the state. Referred to Fiscal and Revenue Statements.

022 REP. BEYER: Is there anything different about these three bills than the original bill?

023 ADKINS: Very minor typographical items.

025 REP. BEYER: The fiscal is the same as it was last August?

027 ADKINS: No substantive changes have been made.

028 REP. REPINE, Chair: Any questions? No. Invited Representative Cedric Hayden to testify.

030 REP. CEDRIC HAYDEN, District #28: Not in support of HB3480. Referred to EXHIBIT A. Feels it is unconstitutional. The state deficit would rocket to over \$1 billion. They anticipate a negative balance of \$500 million. Discussed history of Certificates of Participation.

063 REP. HAYDEN: Continues testimony. Is not against the merits of the program. Thinks other routes can be built to carry more passengers at half the cost.

084 REP. HAYDEN: Continues testimony. Would have no problem seeing this project be built as a regional project with regional funds. If this project is to be partially funded by the state that it be done with General Obligation Bonds with the concurrence of the voters of the state. Listed other pressing debt that the State of Oregon has been accruing. Asks Committee to defer until the 1997 Session and send this proposal to the Debt Management Committee or to send the Light Rail funding in the form of General Obligation Bonds to a state-wide vote.

112 SEN. BAKER: You stated that this will incur a state debt of \$375 million. My understanding of this bill is that it will not incur a state debt. The pay back of any bonding comes solely from the revenue of lottery.

121 REP. HAYDEN: There is legal opinion which will be constitutionally challenged in the Supreme Court that the state does not incur a debt with Certificates of Participation (COP) because we do not promise to pay it back. We borrow the money without the promise of repayment. Should we choose not to make the appropriation, "our bonds would fall into the toilet."

133 SEN. BAKER: Do you agree with me that it's pay back from revenue and that there is no state legal obligation to repay these funds?

135 REP. HAYDEN: These are not technically revenue bonds, these are COP's, which is borrowing without the promise...

137 SEN. BAKER: The bill says that the state General Fund has no obligation...

139 REP. HAYDEN: The state General Fund has no legal obligation. Someone I spoke to at the Treasury Department told me that should the lottery go belly-up (be voted out and the annual payment come due,) they would be at some Senator's office instantly saying, "I think you better find the money to pay this year."

147 REP. PATTI MILNE, District #38: Presented verbal testimony against HB 3480. Our economy today is better than the national average. Now we are in the slowest economic recovery since World War II. Continues historical overview of economy in the United States as well as Oregon. The rate of government use of COP's is exploding.

178 REP. MILNE: Continues testimony. "Who pays this massive debt?" What happens when our economy begins to contract? This is revolving around credit card debt. It's important to take this opportunity to regain our credibility with the Oregon people. I would hate to see Oregon enter into the situation that Orange County had with COP's. Encouraged the use of General Obligation Bonds.

208 SEN. PHILLIPS: "What analysis have you done that leads you to believe that COP's were the baseline to Orange County's financial problems."

213 REP. MILNE: I am not inferring that was the baseline but there were many COP's in use there.

218 SEN. PHILLIPS: If we rested your financial concerns about HB3480, would you support Light Rail?

225 REP. MILNE: "I would have much more interest in it, yes."

226 SEN. PHILLIPS: And that would have been affirmative for Rep. Hayden?

228 REP. REPINE, Chair: The three witnesses will be leaving soon.

230 SEN. PHILLIPS: I want to hear the other representative. That might stir some more thought.

233 REP. JERRY GRISHAM, District #23: Against HB3480. Somewhat confident the bill will be overturned. Addressed the merits of the bill. You are about to hear from paid professionals about how great this bill is. You won't hear from the heads of the Milwaukie CPO's, the people from Clark County...

256 SEN. WALDEN, Chair: What does CPO stand for?

256 REP. GRISHAM: The Citizen Planning Organization in Clackamas County. You won't hear from people in the Tri-County area who are against this. This is about urban renewal. One testimony you won't hear today was from a young

woman that was concerned about funding being provided to the proposed Light Rail Bill and not buying school books. The bus system takes her everywhere she wants to go. It's a bad bill and it shouldn't pass.

309 SEN. BAKER: You don't represent Milwaukie or Portland, do you?

311 REP. GRISHAM: "That's correct."

312 SEN. PHILLIPS: Do you have legal counsel opinions that would support your position?

322 REP. GRISHAM: I do not.

334 SEN. PHILLIPS: I have read the submitted material. You have said at least three times that you anticipate an overturn.

Do you have outside counsel? None of you are attorneys, right?

346 REP. HAYDEN: We have the precedent that the Supreme Court gave us last week. If this bill passes again it will be overturned on the multiple subject rule or deficit spending.

354 SEN. PHILLIPS: You don't have any legal counsel that I can read?

359 REP. HAYDEN: Article 9, Section 7 in the constitution states that this state is not to have debt. We are to balance the budget every cycle, every year.

367 SEN. PHILLIPS: I would like to see a legal opinion about the alleged illegality of COP's.

372 REP. HAYDEN: No, the constitution itself.

373 SEN. PHILLIPS: Referred to EXHIBIT A. I thought that if we have Light Rail or transit that we should put it in populated areas, right?

384 REP. HAYDEN: Good point. Gave overview of experience with legislative transportation matters. Continues testimony. Let's do it with General Obligation Bonds up the 205 Freeway to the Airport.

Tape 5-A

001 SEN. PHILLIPS: The history is good. It seems that you don't agree with the proposal but you would support that?

004 REP. HAYDEN: I would as a legislative compromise. Explains. I believe this is a deliberate attempt to capture Federal Matching Funds. I question those ethics.

011 SEN. PHILLIPS: Do you have any information from a legal or economic source?

019 REP. GRISHAM: There might be a discussion tomorrow that will address the financial issue.

032 SEN. PHILLIPS: Who is doing that study?

034 REP. GRISHAM: That is something that we are trying to generate.

035 SEN. PHILLIPS: Who is gathering information from the State Treasurer?

Are you?

036 REP. GRISHAM: Yes.

038 SEN. WALDEN, Chair: Did somebody say what we were working on before this Committee had a relating clause problem?

041 REP. HAYDEN: I asked Legislative Counsel in the last special session how eight subjects could be in a bill. I was told that it could be done constitutionally because we can draft an appropriate relating clause.

050 SEN. WALDEN: I misunderstood you. I thought your reference was to the bill before us.

052 REP. REPINE, Chair: There was a point that you made a statement that there would be a double issue that would cause questioning by the Supreme Court.

057 REP. HAYDEN: I did notice that in the summary that there were a lot of different subjects listed on that page.

061 SEN. WALDEN, Chair: Were you aware that we have three separate bills dealing with this issue?

061 REP. HAYDEN: Yes. Lists them.

063 SEN. TROW: Was there anything in the Supreme Court decision that addressed COP funding as a problem?

068 REP. HAYDEN: No.

070 SEN. TROW: We have used COP funding. We have used more than the \$50,000 in a biennium than is suggested.

074 REP. GRISHAM: I believe it was Kane v Goldschmidt. [EXHIBIT B]

080 SEN. TROW: There has been no decision of a court that would back up the statement in your testimony.

083 REP. HAYDEN: I wanted to bring the statement with me. It was the opinion of the Assistant Attorney General that we cannot say for certain that there is any violation here.

091 SEN. TROW: Since we have used this type of funding several times, we should have counsel's viewpoint.

094 REP. HAYDEN: I found the reference.

096 SEN. TROW: What year?

096 REP. HAYDEN: This week. Refers again to EXHIBIT B. It may prove to be unconstitutional.

103 SEN. WALDEN, Chair: Could we get a copy of that? Is he available?

117 BILL NESSLY, JR., Assistant Attorney General, Oregon Department Of Justice: I quoted the State ex rel Kane opinion that upheld COPS. It does not apply to this bill as it has been drafted. The opinion that was quoted doesn't have much to do with what we're discussing tonight. Explains.

144 SEN. WALDEN, Chair: So it was the courts that said these are constitutional.

145 NESSLY: Yes.

146 SEN. WALDEN, Chair: I hope Representative Hayden is here to hear this.

148 REP. JONES: They should hear this.

160 SEN. TROW: We have in previous years used more than \$50,000 of COP's without approval from the voters. Is there anything wrong with that?

164 NESSLY: It does not create debt in an arena of debt limitation.

167 SEN. TROW: We don't have to do that with COP's.

169 NESSLY: You don't need the vote of the people to issue those.

170 JANET ADKINS, Policy Analyst: Has there been a challenge to Lottery-Backed Revenue Bonds?

171 NESSLY: No. Gives history.

177 SEN. PHILLIPS: Do you have any reason to caution us to its constitutionality?

180 NESSLY: We have looked at this hard with assistance from bond counsel at ODOT and Tri-Met. We have attempted to draft this as a classical revenue bond measure. I have to warn you that the January Supreme Court decision was restricted only to the one subject rule and does not tell us anything about the constitutionality of the rest of this measure.

193 SEN. PHILLIPS: We heard from three people that have every right to be concerned. I am still waiting to hear legal information that says that what we are doing is wrong. We've heard about other aspects. Have you seen anything from the opposition that raise doubt about those areas?

216 NESSLY: The four topic areas are engineering, financing and other things, by statute, I cannot comment on policy issues.

220 SEN. PHILLIPS: I am not asking for an opinion. Is there any information that touches on those areas?

222 NESSLY: I have none.

224 REP. REPINE, Chair: Thanks Mr. Nessly. Let's continue discussion.

228 SEN. PHILLIPS: If we resolve the financial issue, would you support the bill?

238 REP. REPINE, Chair: In some regards, she didn't give you a succinct, "Yes."

241 SEN. PHILLIPS: No, she didn't.

244 REP. MILNE: I was looking at financial options not only for the Light Rail package but other issues that we are addressing. In doing so, maybe there is another way we could fund the Light Rail package. We are responsible for many other issues than the Light Rail Bill.

265 REP. REPINE, Chair: I have a letter from Representative Tom Brian from the Treasurer of State, Jim Hill regarding COP participation and limitations. [EXHIBIT C]

280 ROLLIE WISBROCK, Chief of Staff, State Treasurer's Office: Yes. We have more copies.

282 REP. REPINE, Chair: We have copies being circulated. In the second paragraph, last line it says "...we maintain that the State has the capacity to issue \$490 million in new Lottery Bonds without jeopardizing the State's credit rating." We just heard testimony that we are "creeping up on the cliff."

297 WISBROCK: Distributed EXHIBITS D and E.

309 REP. REPINE, Chair: Did all of the members receive the letter from Representative Brian?

312 WISBROCK: We want to make it clear that we are not going to issue COP's for the Light Rail project. We are going to use Lottery Bonds. We tried to conceptually label those in two different packages, Lottery Revenue Bond Financing and General Fund. Refers to EXHIBITS E and F.

326 REP. REPINE, Chair: Are you talking about the General Fund or Lottery?

328 WISBROCK: I am dealing with the Lottery... [EXHIBIT D]

350 REP. JONES: Do we have enough authority to issue the COP without the additional limit?

359 WISBROCK: Refers to EXHIBIT E which includes the corrections package. This doesn't affect the COP package. [EXHIBIT D] Explains the exhibits.

401 REP. REPINE, Chair: Did you also include SB1145 in that discussion?

406 WISBROCK: We had an additional \$45 million included on that.

411 REP. REPINE, Chair: But this has the original \$52 million?

412 WISBROCK: That is correct.

416 REP. CARTER: One of the speakers had said that we are in a place where we are about to explode. Would you support that?

430 CHUCK SMITH, Oregon State Treasury: "I wouldn't agree with that at all."

Our total debt has declined since 1992. Our debt is lower today than it was in 1986 by about \$2.4 billion. The use of COP's has certainly increased due to the need of prisons and other capital facilities.

Tape 4-B

016 REP. CARTER: Do you agree that this legislation would be putting Oregon in a state of risk if regional government has not been able to pay their debt?

025 SMITH: The State Lottery Revenue are obligated to pay the bonds in HB 3480 back, not the City of Portland.

031 REP. REPINE, Chair: I would suspect the only piece of that puzzle would be that if the third financial contribution that the voters have indebted themselves to had somehow failed. Isn't this a three-fold package including federal, state and the indebtedness the voters have approved themselves?

038 JANET ADKINS, Policy Analyst: The local voters' contribution will be property tax.

039 SMITH: It's their general obligation.

039 REP. REPINE, Chair: That wouldn't even be risky.

040 REP. CARTER: Are you going to request that Mr. Walsh testify?

042 SEN. TROW: Has the General Debt gone down over the last ten years basically because the Veteran's Program has diminished?

044 SMITH: Yes.

046 SEN. TROW: If you eliminate that, have we increased the debt otherwise?

047 SMITH: The biggest portion of the State's debt is for the General Obligation Bonds for the Department of Veteran's Affairs. If you set them aside and look at the other programs, there has been a general increase.

053 SEN. TROW: But not alarming?

053 SMITH: No.

053 REP. REPINE, Chair: Could you address the analysis of the Orange County Crisis and any possible resemblance?

059 SMITH: Their financial woes were due to investment practices.

061 REP. REPINE, Chair: It wouldn't be due to prudent investment schemes?

063 SMITH: There was an investment speculation.

065 REP. REPINE, Chair: That is not an adequate comparison to us.

068 SEN. BAKER: Bottom line is that these bonds have to be marketed. Have the bond counsel and the lenders looked at these Revenue Bonds and would they lend to this arrangement?

071 SMITH: We have already been in the market with these exact bonds. Describes.

078 REP. REPINE, Chair: Thanks Smith and Wisbrock. Asks Tom Walsh to testify. Refers to EXHIBIT F.

085 REP. CARTER: During the period of time that you have been a citizen of Portland, have you seen the City of Portland Regional Government at risk for the repayment of debt?

089 Tom Walsh, General Manager, Tri-County Metropolitan Transportation District of Oregon: No.

091 REP. CARTER: Is the arrangement we have currently with Tri-Met, the State and the Federal Government at risk in terms of voters' involvements for the repayment of this debt?

095 WALSH: No. The \$475 million local contribution to this project was approved by the voters in 1994 as General Obligation Bonds backed by property values in the Tri-Met area.

100 REP. CARTER: How much time have the planners, economists, City of Portland and Tri-Met put into investigation of the funding process?

108 WALSH: Collectively the process has included 7 years. We started not too long after the West-Side Light Rail Project was completed.

117 SEN. BAKER: We are talking about the South/North line. Does the line start at Sunnyside Road and I-205 and head north?

123 WALSH: That is correct.

123 SEN. BAKER: We are not talking just about Clackamas County.

125 WALSH: Right. The Southern end of this would be the Clackamas Town Center and Sunnyside Road vicinity.

127 REP. REPINE, Chair: Asks Ed Lindquist, Craig Lomnicki and Karen O'Dowd to testify. Refers to EXHIBITS G & H.

144 ED LINDQUIST, Clackamas County Commissioner: Discusses the history of Light Rail. Explains why the Light Rail will cross the river twice. We want to work on the South end first but will be working on the north end at the same time.

174 LINDQUIST: Continues testimony. Light Rail will not go where everyone wants to go. There will be some other modifications to current modes of transportation. This will help to improve the air quality in Clackamas County. We are currently involved in a process to improve the Milwaukie alignment.

215 SEN. BAKER: Would you address the I-205 alignment?

217 LINDQUIST: I was an early proponent of that alignment. After much research, it doesn't go where the majority of people want to go. Phase 2 might include an alignment to the airport.

239 REP. REPINE, Chair: A representative from the airport had stated that they are not ready for their Light Rail.

247 SEN. BAKER: The population is kept away because of the traffic.  
Explains.

253 LINDQUIST: That's correct. The best way that we have to make the land-use planning work is to the Clackamas Town Center and Downtown Portland and Milwaukie.

260 CRAIG LOMNICKI, Mayor, Milwaukie: Presents verbal testimony in support of HB3480. Discusses what is happening at the local government level.

309 LOMNICKI: Continues testimony. Gives history of local involvement.



340 LOMNICKI: Continues testimony. Discusses current involvement.

373 REP. REPINE, Chair: Thanks Mayor Lomnicki.

379 REP. CARTER: Have you told your representatives about the level of citizen support you have?

386 LOMNICKI: Rep. Jane Lokan and Sen. Kennemer know and both support the project. Rep. Grisham has not been involved.

412 SEN. PHILLIPS: I thought I heard that your CPO's or MPO's were in opposition to this?

429 LOMNICKI: We don't have CPO's since they are a county designated position. We have neighborhood associations.

Tape 5-B

007 SEN. PHILLIPS: Ed, do you have resolutions from your CPO's?

009 LOMNICKI: The Island Station Neighborhood Association supports Light Rail. I believe the people that are speaking to Rep. Hayden and Rep. Grisham live close to the alignment on Monroe Street. We have them at our public meetings. They are seeking support of people who do not support Light Rail.

020 SEN. PHILLIPS: How big is the City of Milwaukie?

020 LOMNICKI: We have 20,000 residents.

021 SEN. PHILLIPS: How many people does the blockage pertain to?

024 LOMNICKI: We experienced 60 people in our council meeting.

031 SEN. PHILLIPS: I am trying to put it into context. Your City Council is unanimously in support of Light Rail...

032 LOMNICKI: Five resolutions plus...

036 SEN. BAKER: Clackamas County voted in favor of Light Rail. What was the vote?

038 ED LINDQUIST, Clackamas County Commissioner: About 2-1 in favor of it and taxed themselves to pay for their share. They voted almost that high when we voted for the West side of Light Rail. To answer SEN. PHILLIPS question, the CPO's have not taken a position. Every other citizen's group and business group are in overwhelming support of Light Rail.

053 KAREN O'DOWD, Staff, Milwaukie Downtown Development Association: We have been asked to step forward and state our position on Light Rail. Presents testimony in favor of Light Rail. They have members who do not support the project, but in a survey 78 out of 100 supported the proposal. Read portion of letter written to the Oregonian. This is not just an obligation, this is an investment. Refers to EXHIBIT G.

120 SEN. WALDEN, Chair: Were all of your members present for the unanimous City Council resolutions?

120 LOMNICKI: Yes.

- 123 Closes PUBLIC HEARING on HB3480
- 130 Opens PUBLIC HEARING on HB3478
- 133 JANET ADKINS, Policy Analyst: HB3478 was also part of SB1156 that passed the 1995 August Special Session. It establishes an approval and appeal procedure for some of the land-use decisions for the North-South Light Rail Decision. It consolidates the approval process and expedites the appeals review by establishing certain notice and hearing timelines that are set out in the bill.
- 137 REP. REPINE, Chair: Any questions? Anyone to testify?
- 148 Closes PUBLIC HEARING on HB3478
- 149 Opens PUBLIC HEARING on HB3479
- 151 ADKINS: HB3479 would be necessary if Clark County, Washington was involved in the project and if it was adopted by both Oregon and Washington and ratified by Congress, it would establish the Bi-State Columbia River Light Rail Transit Authority. If there is no Washington involvement, a compact is not necessary.
- 164 SEN. TROW: Since we are not likely to be going to Clark County, why do we need to do this now?
- 168 REP. REPINE, Chair: There is a window of time since it failed in the Clark County area that allows them to reconsider.
- 176 Closes PUBLIC HEARING on HB3479
- 180 SEN. WALDEN: Adjourned Senate Public Hearing on HB3480, HB3478 and HB 3479 at 8:22 p.m.
- 178 REP. REPINE, Chair: Refers to EXHIBIT I.
- 196 Opens WORK SESSION on HB3480
- 199 KEN ROCCO, Fiscal Analyst: It would be helpful to have the Treasurer and Mr. Nessly address their concerns.
- 203 REP. REPINE, Chair: I am not necessarily advocating that these have to be amended. Explains.
- 210 ROLLIE WISBROCK: Introduced Bill Nessly and Chuck Smith.
- 213 BILL NESSLY, JR., Assistant Attorney General, Oregon Department of Justice: Amendments are limited to four very minor amendments to HB3480. [EXHIBIT I] Oregon Department of Transportation's (ODOT) Bond Council, Tri-Met Bond Council and the Office of the State Treasurer reviewed the original version of LC 290 yesterday. We agreed that these amendments would improve the bill.
- 243 REP. CARTER: Does this further clarify the equity fund?
- 253 TOM WALSH General Manager, Tri-County Metropolitan Transportation District of Oregon: These

amendments add clarity but substantively from our standpoint would add nothing. Are neutral on the amendment.

261 REP. REPINE, Chair: Proponents are comfortable with the original version.

267 MOTION: REP. BEYER: Moves to ADOPT the HB3480 -1 amendments dated 2/1/96. (Motion later WITHDRAWN.)

The lights went out momentarily.

312 MOTION: REP. CARTER: Moves HB3480 be sent to the Floor with a DO PASS recommendation.

314 VOTE: REP.'s CARTER, JONES, BEYER and REPINE vote AYE.  
REP. MONTGOMERY votes NO. The motion CARRIES.

REP.'s REPINE, CARTER, JONES and BEYER will lead discussion on the Floor.

320 Closes WORK SESSION on HB3480

321 Opens WORK SESSION on HB3478

325 MOTION: REP. BEYER: Moves HB3478 be sent to the Floor with a DO PASS recommendation.

329 VOTE: REP.'s CARTER, JONES, BEYER and REPINE vote AYE.  
REP. MONTGOMERY votes NO. The motion CARRIES.

REP. BEYER will lead discussion on the Floor.

336 Closes WORK SESSION on HB3478

337 Opens WORK SESSION on HB3479

338 MOTION: REP. CARTER: Moves HB3479 be sent to the Floor with a DO PASS recommendation.

340 VOTE: REP.'s CARTER, JONES, BEYER and REPINE vote AYE.  
REP. MONTGOMERY votes NO. The motion CARRIES.

REP. CARTER will lead discussion on the Floor.

364 REP. REPINE, Chair: Adjourned the House portion of the Joint meeting at 8:30 PM.

Submitted by, Reviewed by,

Amy D. Sweany Janet Adkins,  
Administrative Support Policy Analyst

EXHIBIT SUMMARY:

- A - HB3480 - Testimony from Representative Cedric Hayden - 2 pages
- B - HB3480 - Letter from Bill Nessly, Jr., Assistant Attorney General, submitted by Representative Jerry Grisham - 2 pages
- C - HB3480 - Letter from Jim Hill, State Treasurer - 1 page
- D - HB3480 - State Financing: Lottery Revenue Bond Financing, Secretary of State's Office, submitted by Rollie Wisbrock - 2 pages
- E - HB3480 - State Financing: General Fund, Secretary of State's Office, submitted by Rollie Wisbrock - 3 pages
- F - HB3480 - Testimony from Tom Walsh, General Manager, Tri-County Metropolitan Transportation District of Oregon - 4 pages
- G - HB3480 - Testimony from Representative Jane Lokan - 14 pages
- H - HB3480 - Testimony from the South-North Transit Corridor Study - 113 pages
- I - HB3480 - Dash 1 amendment, Bill Nessly, Assistant Attorney General - 1 page