

HOUSE COMMITTEE ON
GENERAL GOVERNMENT AND REGULATORY REFORM

Hearing Room
Tapes - 127

MEMBERS PRESENT:

Rep. Bob Tiernan, Chair
Rep. Mike Lehman, Vice-Chair
Rep. Jerry Grisham
Rep. Cedric Hayden
Rep. Bryan Johnston
Rep. Bill Markham
Rep. Lonnie Roberts
Rep. Barbara Ross
Rep. Charles Starr
Rep. Ken Strobeck
Rep. Sharon Wylie

MEMBER EXCUSED:

Rep. Bev Clarno

VISITING MEMBERS:

Rep. Patty Milne
Rep. Leslie Lewis

STAFF PRESENT:

Greg Moore, Committee Counsel
Anne Tweedt, Committee Counsel
Annetta Mullins, Committee Assistant

MEASURES HEARD:

SB 382 A - WORK SESSION
SB 126 A - WORK SESSION
SB 125 A - WORK SESSION
SB 129 A - WORK SESSION
SB 318 A - WORK SESSION
SB 588 A - WORK SESSION
SB 669 A - WORK SESSION

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 , A

008 CHAIR TIERNAN: Calls the meeting to order at 1:35 and opens the work
session on SB 669 A.

SB 669 A - WORK SESSION

The Senate Staff Measure Summary, Legislative Fiscal and Revenue statements
are hereby made a part of these minutes (EXHIBIT A).

023 LARRY CAMPBELL, Oregon Association Chiefs of Police: Introduces Police
Chief Charles Stull, Keizer Police Chief, and Steve Bennett, Executive
Director, Board on Public Safety Standards and Training, testifies in
support of SB 669 A and proposes amendments (EXHIBIT B).

> there should be no fiscal impact on BPSST, but the amendment (EXHIBIT B)
would clarify that and the bill would not have to go to Ways and Means
> on page 2, line 42, a conflict amendment would remove "enhanced" from the

bill; would not oppose that

> on page 1 of the bill, lines 10 and 11 define certified reserve officer;
certified reserve officers are designated by the local enforcement unit and

have had the training necessary to receive certification. We agree with
that point.

049 CHARLES STULL, Oregon Chiefs of Police: Submits and reads a prepared
statement in support of SB 669 A (EXHIBIT C).

097 MR. CAMPBELL: The bill passed unanimously in the Senate.

102 REP. LEHMAN: Is a person designated by a local agency is packing a
firearm, are they required to take this training?

MR. CAMPBELL: We were thinking of mandating it, but we have still not
identified how to handle small law enforcement units and sheriffs in rural
areas. We have decided we will put the program into effect and will work
on developing training that can be used for those. Once the training is
developed, then it is appropriate to mandate it.

124 REP. LEHMAN: Do most local police agencies have in place some type of

certification program of their own to determine when a reserve officer can act independently?

127 MR. CAMPBELL: It differs from agency to agency, but the average per law enforcement unit is about 210 hours of training for each officer. Any office who is packing a firearm is required to have a certain level of training in firearms.

132 CHAIR TIERNAN: What is the purpose of Section 16.

137 MR. BENNETT, Executive Director, Board on Public Safety Standards and Training: Presently under the law unless an individual is a full-time police officer, they are not required to be certified, and we are not allowed to certify them even if they want to be. This would enable a wider

range of discretion in doing that. Definitions have been established by the Attorney General's office of what full time means. Essentially, it doesn't mean all the people who are in reserve status cannot be certified and are not required to be at the present time.

153 CHAIR TIERNAN: Will the training be provided at BPSST?

MR. BENNETT: In the course of the working group consisting of all who will be affected by this, a lot of time was spent talking about the critical difference which would be the methodology of delivery. The work group was not interested in creating a double standard for the certification requirements because the state has a responsibility to make sure that the basic competencies are there before an individual can be certified. We would work together to create opportunities and methodologies for delivering the training so it would not mean everyone would have to come to the academy.

166 REP. STROBECK: Questions how local governments will pay for the training of additional officers.

MR. CAMPBELL: That is the reason for the amendment. The fiscal impact statement is not in line with the plan that was put together. The training will not be done by BPSST. The fiscal impact statement was based on someone reading the bill that all the training would be done by BPSST. That is not the plan.

199 MOTION: REP. JOHNSON moves that the amendments proposed by Mr.

Campbell

(EXHIBIT C) BE ADOPTED.

VOTE: CHAIR TIERNAN, hearing no objection, declares the motion REP. CLARNO IS EXCUSED.

PASSED.

215 GREG MOORE, COMMITTEE COUNSEL: Explains that an additional amendment needed is on page 2, in line 42, because of a conflict with SB 306 which the committee has passed. Another amendment would be on page 1, in line 11. The amended language would read, "law enforcement unit and has received training necessary for certification and who has met".

245 CHAIR TIERNAN: Suggests amending the proposed amendments submitted by Mr. Campbell (EXHIBIT B) by inserting after "BPSST" "to fund or provide".

257 MOTION: CHAIR TIERNAN: Moves that the amendments stated by Mr. Moore in line 11 of page 1 of SB 669 A, and the amendment adding "to fund or provide" to amendments submitted by Mr. Campbell, BE ADOPTED.

258 VOTE: CHAIR TIERNAN, hearing no objection, declares the motion PASSED.

REP. CLARNO IS EXCUSED.

MOTION: REP. STARR moves that SB 669 A, as amended, be sent to the Floor with a DO PASS RECOMMENDATION.

262 REP. STROBECK: Will we get a revised Fiscal Statement on this prior to the bill going to the Floor?

263 MR. MOORE: We will have to have one because the committee has amended the bill.

268 REP. LEHMAN: Comments he will vote for the bill but with some significant reservations because of concerns of the second step and concerns about whether the state should be requiring local agencies to look

to the state or go to the state for any kind of certification of police officers; they should be left to develop their own training program.

285 VOTE: In a roll call vote, all members present vote AYE. REP. CLARNO IS EXCUSED.

296 CHAIR TIERNAN: Declares the motion PASSED. REP. STARR will lead discussion on the Floor.

290 CHAIR TIERNAN: Opens the public hearing on SB 382.

SB 382 A - PUBLIC HEARING

Witnesses: Linda Adlard, Chief of Staff, City of Beaverton
Rob Drake, Mayor, City of Beaverton
Kathy Stanton, Councilor, City of Beaverton
Susan Schneider, City of Portland
Captain Bob Kauffman, Portland Police Bureau
Mark LaRue, Reclaiming our Streets Committee, Portland
Nancy Christy, Portland resident
Michalle Hennessy, Humbolt NeigHB orhood Association, Northeast Coalition

334 ANNE TWEEDT, Committee Counsel: Calls the members attention to the information provided in their packet and explains the provisions of the bill: the Senate Staff Measure Summary and Legislative Fiscal and Revenue statements, a Fact Sheet from the City of Portland, and letters received by

the committee EXHIBIT D), and a list of neigHB orhood and community organizations that support photo radar (EXHIBIT E). She reviews provisions of the bill.

TAPE 125, A

009 LINDA ADLARD, Chief of Staff, City of Beaverton: Introduces Rob Drake, Mayor, City of Beaverton, Kathy Stanton, Beaverton City Councilor, and Susan Schneider from the City of Portland, and testifies in support of SB 382 A.

- > Beaverton, rather than Gresham, has signed onto this bill.
- > it will offer Beaverton another tool
- > Beaverton has doubled in size in the last 10 years; traffic is the number

one problem.

- > accidents have gone from 1,000 to 1,900 and uniform traffic citations have increased 22 percent.
 - > Beaverton passed a police levy and has added four of the 16 officers in the levy; two are traffic enforcement
 - > has spent \$80,000 to \$100,000 on traffic calming in neigHB orhoods since last year
 - > has spent \$160,000 on signal lights in front of schools
 - > Smart Trailers are in place in neigHB orhoods
 - > believes Beaverton will be a good test area; data has been collected
- 046 > strong support of citizens (EXHIBIT F)
- > intention is not to make money, but simply to change the behavior of the citizens

067 ROB DRAKE, Mayor, City of Beaverton: Testifies in support of SB 669 A.

- > city conducted a poll through mailing with the water bills; 2,000 responses were received and most were concerned about traffic issues, particularly safety in neigHB orhoods and school zones
- > as part of levy, traffic unit was created
- > believes this is efficient use of police and believes it would be an excellent way to help bring down the traffic and speeding problems

087 KATHY STANTON, Councilor, City of Beaverton: Testifies in support of SB

669 A.

- > sees photo radar as one more tool to help and encourage responsible people to stay responsible.
- > speeds can be addressed with radar.
- > the Committee for Citizen Involvement is embarked on fund raising activities to help the city purchase another Smart Trailer

129 REP. ROBERTS: Is one age group more prominent in their speeding?

MAYOR DRAKE: No. It is as much the moms and dads with a load of kids as the teenagers.

143 REP. ROSS: Did you discuss the errors that might be made?

MS. ADLARD: This is a demonstration project. If our calibration of our radar equipment was incorrect, people would not be penalized. We are willing to use any tools necessary to help our neigHB orhoods be safe. Our officers seldom write tickets for speeding less than 10 miles over the speed limit. I believe one officer with this tool will make a more efficient and effective government

175 Issues discussed:

- > traffic calming devices include speed humps, chokers, and circles
- > a number of schools do not have signals; this project would most likely be used in the areas that don't have signals
- > effectiveness of presence of uniformed officer

232 > photo radar can have five to 10 times the effectiveness of an officer in an hour or two hours

- > motorists avoid lights when cars are backed up by cutting through neigHB orhoods

251 > history of proposed legislation

286 > the Washington County Sheriff's office, the cities of Beaverton, Tigard and Hillsboro has formed a saturation patrol unit that rotates around the county at schools and in designated "hot" areas; photo radar would enhance that effort

315 > citation is mailed to the registered owner of the vehicle; the owner has the right to fill out a declaration of innocence and send with a copy of their license denying he/she was driving and the ticket will be dismissed

342 > photos are not mailed; only the registered owner of the vehicle may go

to the court system and look at the picture

359 > citations are mailed within six working days

390 > estimation of number of citations that could be issued in one hour

> cost of leasing the equipment is \$20 per citation; if one person is taught to slow down in a four-hour period, it would be worth the cost

427 > number of tickets issued in one hour would depend on location; at 5:30

p.m. there may be 20 in an hour

- > jurisdictions using photo radar have not been surveyed

437 CHAIR TIERNAN: We will not go into work session until we get information back from jurisdictions that have used photo radar.

TAPE 124, B

020 Further issues discussed:
> photo radar systems are used in more than 45 countries world wide; 11 or 12 cities in the United States (EXHIBIT I)
> if the license plate in photo is not legible, a ticket would not be issued (EXHIBIT G)
> one comment from Danville, Ca. was that people who received tickets had to leave work to go look at the picture; the people were upset that they had to prove they didn't do something
050 > if a person writes to the City of Beaverton and gives certification, the citation will be dismissed
> whether Beaverton has researched flashing lights that come on at certain times

077 REP. ROSS: Requests that Ms. Adlard ask other jurisdictions what they feel their error rate was.

103 REP. JOHNSTON: Comments he thinks this is a good thing and supports it, and encourages the proponents to bring back the information requested.

122 SUSAN SCHNEIDER, City of Portland, Government Relations Office: Introduces Captain Kauffman, Portland Police Bureau, and citizens Mark LaRue, Nancy Christy and Michalle Hennessy.

131 CAPTAIN BOB KAUFFMAN, Traffic Division, Portland Police Bureau: Submits and reads a prepared statement in support of SB 382 A (EXHIBIT H).

180 CAPTAIN KAUFFMAN: Continues his presentation.

224 REP. ROBERTS AND CAPTAIN KAUFFMAN: Discuss the process for development and storage of photos.

263 MARK LARUE, Portland Citizen, and member of Reclaiming our Streets Committee: Testifies in support of SB 382.
> Reclaiming our Streets Committee is outgrowth of a prior committee of 300

citizens who evaluated various traffic, pedestrian problems, cycling problems and mass transit issues; they came up with 140 proposed solutions for traffic problems
> majority of solutions were directed at volume and speed problems in neigHB orhoods
> photo radar was one final selection because the committee felt it would be one of the most effective means of reducing speeds and increasing safety

in neigHB orhoods
> 41 neigHB orhood associations have endorsed photo radar
> the Traffic Bureau has been shrinking since 1960; at times only four or five officers are patrolling Portland streets

306 > other cities have experienced reduction in accidents and speeds
> it is a local issue with local support
> it has a sunset after two years

318 NANCY CHRISTY, resident of Portland and works in Beaverton: Testifies in support of SB 382 A.
> has visited nine neigHB orhoods in Portland and all endorse photo radar
> neigHB orhoods want to give this a test
> neigHB orhoods don't see a privacy issue

330 MICHALLE HENNESSY, resident of North Portland and the Humbolt NeigHB orhood Association and the Northeast Coalition NeigHB orhoods Association, and Vice-Chair of the Public Safety Action Committee of the Northeast Coalition NeigHB orhoods Association: Testifies in support of SB 382 A.
> gets lots of response from neigHB orhoods and traffic was the number one complaint by two to one of the next highest complaint
> there has been emphatic approval of implementing photo radar in the neigHB orhoods
> residents feel education alone is probably not sufficient and are willing

to try photo radar

393 DAVID DENECKE, resident of Portland and member of several committees on traffic on Burnside and Cornell Road, and member of the Hillside NeigHB orhood Association Board: Testifies in support of SB 382 A.
> is issue of accountability
> enforcement is spotty because of resources of government

420 CHAIR TIERNAN AND OFFICER KAUFFMAN: Discuss the number of stops and citations issued, and reasons given by persons stopped by Officer Kauffman.

TAPE 125, B

009 CHAIR TIERNAN AND OFFICER KAUFFMAN: Continue their discussion.

050 CHAIR TIERNAN AND OFFICER KAUFFMAN: Continue their discussion.

100 CHAIR TIERNAN AND OFFICER KAUFFMAN: Continue their discussion.

116 REP. ROBERTS: Comments his concern is that this is protection for children.

124 REP. HAYDEN: What do you think about video cameras on Tri-Met buses?

137 OFFICER KAUFFMAN: Comments the tape is not used unless there is a problem. In photo radar, the film is not developed unless there is a problem.

144 SUSAN SCHNEIDER: Comments they have surveyed communities which have stopped using photo radar. Those surveyed said they sprang it on the community. We are asking for demo project to find out if people are going to get upset. If they do, that will be the end of the project.

167 CHAIR TIERNAN: Closes the work session on SB 382 A and declares the meeting in recess from 3:11 to 3:19.

179 CHAIR TIERNAN: Opens the work sessions on SB 125 A, 126 A, 129 A and SB 318 A.

SB 126 A, SB 125 A AND SB 129 A - WORK SESSION

180 MS. TWEEDT: Explains the provisions of SB 126 A.

210 MS. TWEEDT: Explains the provisions of SB 125 A.

229 MS. TWEEDT: Explains the provisions of SB 129 A.

253 MOTION: REP. JOHNSTON moves that SB 126 A be sent to the Floor with a DO PASS RECOMMENDATION.

255 VOTE: In a roll call vote, all members present vote AYE. REPS. CLARNO, LEHMAN, MARKHAM AND ROSS ARE EXCUSED.

261 CHAIR TIERNAN: Declares the motion PASSED. REP. ROSS will lead discussion on the Floor.

266 MOTION: REP. JOHNSTON moves that SB 125 A be sent to the Floor with a DO PASS RECOMMENDATION.

268 VOTE: In a roll call vote, all members present vote AYE. REPS. CLARNO, LEHMAN, MARKHAM AND ROSS ARE EXCUSED.

274 CHAIR TIERNAN: Declares the motion PASSED. REP. ROSS will lead discussion on the Floor.

278 MOTION: REP. STROBECK moves that SB 129 A be sent to the Floor with a DO PASS RECOMMENDATION.

281 VOTE: In a roll call vote, all members present vote AYE. REPS. CLARNO, LEHMAN, MARKHAM AND ROSS ARE EXCUSED.

286 CHAIR TIERNAN: Declares the motion passed. REP. ROSS will lead discussion on the Floor.

288 CHAIR TIERNAN: Requests staff review the background and provisions of SB 318 A.

The hand-amended Senate Staff Measure Summary, Legislative Fiscal Analysis and article from Motorail News, April 1995, are hereby made a part of these minutes (EXHIBIT J).

293 MS. TWEEDT: Explains the provisions of SB 318 A and that the SB 318-A9 amendments (EXHIBIT K) were conceptually adopted by the Subcommittee on Transportation. The A9 amendments eliminate the three sections of the bill

which require log contracts. The A10 amendments (EXHIBIT L) attempt to deregulate the passenger carrier industry for irregular routes, charter carriers, and tour companies. The A10 amendments get rid of the entry regulations; the rate regulations remain. Through rate regulation, the PUC

is able to determine if a carrier has adequate insurance and is paying its Highway Use bond. The trucks are registered and the bill sets up a vehicle

inspection plan. There is still an application process, therefore, PUC will know if people are operating. The amendments take away the requirement that a carrier actually provide evidence, or prove his/her service is actually necessary--that there is a public need for that service in an area.

385 REP. STROBECK: Explains there was no real consensus in the work group of the passenger carriers and those wanting into the business. Those who have lines want to preserve the status quo and those who don't have it want to have complete deregulation. The A-10 amendments attempt to strike a compromise between the groups. Now, there is entry regulation, rate regulations and safety regulations. The A10 amendments attempt to eliminate the entry regulation requirement, but leaves in the rate and safety regulations. The effect of that would be to allow other carriers into a market to serve an area. They would still have to apply to the PUC and file their rates and the PUC would also be able to monitor their safety and performance standards. There would not be an opportunity for those already in the service area to veto new competitors into their market place.

445 MOTION: REP. STROBECK moves that the SB 382 A10 amendments BE

ADOPTED.

459 GARY CONKLIN, School Bus Services, Inc.: I testified in support of total economic deregulation of these kinds of services. There was not consensus, but School Bus Services, Inc. is prepared to accept the A-10 amendments as a reasonable step forward.

024 DELL ISHAM, Raz Transportation Company and Oregon Association of Visitor

and Convention Bureaus: We feel the three major components of economic regulation--entry, service and rates--can't be separated and have any kind of meaningful regulatory scheme to protect the public. There is a relationship between economic viability and safety. We only need to look to the trucking industry to see the great increase in the number of accidents. I believe Congress purposefully separate out the household goods and passenger service because those are the most laudable of the customers. We are also going through quite a transition at the federal level and this is not the time to take this kind of step.

038 REP. HAYDEN: The Subcommittee had a complete discussion. I was personally willing to deregulate passenger service and household goods; the committee did not feel that way. The committee felt household goods should be regulated. The committee generally felt there should be some way of splitting the issue. I yielded to Rep. Strobeck and will support his amendments.

042 BOB RUSSELL, Assistant Commissioner for PUC: Offers to answer questions.

048 REP. JOHNSTON: Asks Rep. Strobeck to explain the impact of the -A10 amendments.

050 REP. STROBECK: Explains there are three parts. We would keep the rate and safety regulations. They would have to file an application with rates for their service area, but they would not have to prove need.

068 REP. JOHNSTON: Does PUC feel comfortable they can administer such a scheme?

068 BOB RUSSELL: Responds affirmatively.

073 REP. ROBERTS: The rate setting is important. In the trucking industry there are very large companies with a lot of money who will push well established companies and when the competition is gone, then they can control the rates.

077 REP. STROBECK: Rep. Lehman and I were leaning toward deregulating all aspects except the safety. I decided and Rep. Lehman concurs, to add back in the rate part for the reason Rep. Roberts stated.

090 REP. JOHNSTON: Is this bifurcated scheme of regulatory action in place in some other state?

093 MR. RUSSELL: We have bifurcated regulatory schemes in place here. Prior to deregulation, we had entry regulation for some segments of the industry, but not rate regulation.

097 VOTE: CHAIR TIERNAN, hearing no objection to Rep. Strobeck's motion, declares the SB 382-A10 amendments ADOPTED. REPS. CLARNO, LEHMAN
MARKHAM ARE EXCUSED.

AND

099 MOTION: REP. STROBECK moves that the SB 382-A9 amendments BE

ADOPTED.

101 VOTE: CHAIR TIERNAN, hearing no objection to the motion, declares the motion PASSED. REPS. CLARNO, LEHMAN AND MARKHAM ARE EXCUSED.

102 MOTION: REP. STROBECK moves that SB 318 A, as amended, be sent to the Floor with a DO PASS RECOMMENDATION.

105 REP. ROBERTS: Comments he will vote to get the bill out of committee but will protest it on the Floor.

106 VOTE: In a roll call vote, all members present vote AYE. REPS. CLARNO, LEHMAN AND MARKHAM ARE EXCUSED.

111 CHAIR TIERNAN: Declares the motion PASSED. REP. STROBECK will lead discussion on the Floor.

114 CHAIR TIERNAN: Opens the public hearing on SB 588 and announces that other bills on the agenda will be delayed until Thursday.

SB 588 - PUBLIC HEARING:

WITNESSES: Martin Henner, Legislative Assistant to Sen. Dwyer
Larry George, Oregonians in Action

124 MR. MOORE: Reviews the provisions of the bill. The Senate Staff Measure Summary and the Legislative Fiscal and Revenue statements are hereby made a part of these minutes (EXHIBIT M).

161 MARTIN HENNER, Legislative Assistant for Sen. Dwyer: Sen. Dwyer supported the amendment providing for the 90 day delay in demolition of the

historic property (page 10, lines 9-14). Sen. Dwyer was concerned that if someone had such a property and wanted to substantially alter or demolish it, people in the local community should have at least a short window of time to discuss it and see if they could raise money to purchase the property to save it. If they were not able to do that in 90 days, then the demolition permit could be issued if everything else was in order. The committee has a proposed amendment to SB 588 which attempts to delete this section.

194 REP. HAYDEN: Asks why they would not include language to say "not more than 120 days" or similar language.

211 MR. HENNER: We would not object to the "not more than 120". My understanding was that the amendment would delete lines 1 through 14 of page 10.

220 REP. ROBERTS: Questions the meaning of "or other substantial modifications of a property".
Would that prevent taking off an old roof and putting on another one?

233 MR. HENNER: I do not know what the definition is of the term in the bill.

242 REP. PATTY MILNE: Reviews a prepared statement (EXHIBIT P) and advises the committee she has proposed SB 588- A9 amendments (EXHIBIT N) and the SB 588- A10 amendments (EXHIBIT O).

284 REP. LESLIE LEWIS: Owners consent is an important issue to Yamhill County. We were concerned about the language on page 10, lines 1-8. Reviews the A10 amendments and comments they believe this accomplishes the same thing in terms of saying if the property is for consideration or nominated to the National Historic Registry, then an owner, if the property has already been designated under the National Historic Registry, cannot take it off the registry. We felt the language on page 10 as it stands now, particularly the language under (d) could be used to say that any property that had ever been under consideration would not allow the owners to consent. Requests adoption of the A10 amendments. The A10 amendments would become (1) of Section 21 and the A9 amendment would become (2) of Section 21.

356 REP. ROSS: Would that mean if somebody bought a piece of property that had a historical designation by a local government, they could say they don't want to have the designation any more?

362 REP. LEWIS: We haven't thought about that situation. In our county many people have been coerced into the historic property designation. I believe some of those people are waiting for HB 2124 to become law so they can petition to be removed from the historic property designation.

375 REP. MILNE: The amendments help get us back to the true intent of HB 2124.

410 REP. ROSS: Would this not affect areas that are protected by local ordinance?

412 REP. MILNE: That is my intent.

415 REP. GRISHAM: On the A9 amendments, in line 4, it states "local government". Is it not intended if they are already on the national register to be withdrawn?

418 REP. MILNE: Yes.

420 REP. GRISHAM: Has the Historic Preservation League of Oregon taken a position on the bill?

421 REP. MILNE: I don't know.

423 REP. GRISHAM: On page 10, the amendments would delete lines 9-14 which talks about demolishing, tearing down, and modifications. Is there anything in the amendments that would still require some sort of notice to be given if there was intent to demolish?

430 REP. LEWIS: With the amendments as written, there would be no notice provisions because we delete lines 1-14. If you are on the National Registry of Historic places and you buy a house that is so registered, you cannot get off that listing. The person initially would have had some rights not to be on the listing. If you buy a house already listed, you cannot get off the listing. If you are in a district, it is my understanding it is up to the majority of the property owners in the district. The A9 amendments refer to Goal 5 by local government.

I don't like the language, "or other substantial modifications" for the same reason Rep. Roberts brought out that it could be a hardship on some property owners who need to make substantial modifications to their property.

TAPE 127, A

022 REP. GRISHAM: The problem I have with local control is it enables someone to tear the structure down overnight without any sort of prohibition or offering for sale. I think that is a good cooling off period.

031 REP. STROBECK: In the A10 amendments, the portion on page 10 was one of the Senate amendments.

REP. LEWIS: Our concern was that the way this was worded would possibly allow local government to say the property was under consideration at some point for designation and therefore the person could not exercise his/her rights to owner consent. The A10 amendments specifically state that owner consent would not apply for consideration or nomination; it should be "or" instead of "for".

065 CHAIR TIERNAN: Announces that the work session will be carried over to Thursday to allow all those who have signed up to address the amendments,

for the committee to review the amendments and to give the proponents an opportunity to respond to the questions that have been raised. We will let Rep. Strobeck finish his questions and let Rep. Wylie present her amendments.

076 REP. STROBECK: Delays further questions until the next meeting.

079 REP. WYLIE: Proposes an amendment to SB 588 A on page 9, in line 42, delete "shall" and insert "may" and explains it is in response to the hearing held last session and to dedication to local control.

096 REP. JOHNSTON: Comments he would agree with Rep. Wylie and suggests if the A9 amendments are adopted that the word "shall" be changed to "may".

101 LARRY GEORGE, Executive Director, Oregonians in Action: We pushed hard for passage of HB 2124 and the subsequent override of the veto of Governor Roberts. The important thing in consideration of historic homes is it is clear how homes are preserved under historic designations. Currently there

are three concurrent running programs. One is the Federal Historic Register which is addressed by the amendments to the bill. It is a voluntary program and often provides incentives to property owners who participate in it. It has been a successful program because it builds a partnership between the property owner and government to preserve historic homes. There is also a voluntary state program that provides incentives to property owners, and it also builds the partnership. Unfortunately under LCDC's Goal 5 another program has popped up where local governments are forced to protect a home and come up with criteria to protect homes. That is not consistent across the state. It is neither voluntary nor provides any economic benefit to the property owner, yet the property owner

may be restricted.

Last legislative session we were helping to push legislation that would have provided owner consent. It was bottled up in a Senate committee and was introduced as a minority report into HB 2124 and was subsequently passed. There was extensive conversations during the discussions on the override of the veto that the historic districts are majority rules rather than voluntary consent of individual property owners. Although we see this

as a violation of property rights, we have no problem on the broader issue as far as the community interest. Perhaps it can be majority interest, and

we can put up with that. We supported the concept bill that became SB 588.

Unfortunately, we feel as drafted the bill went too far from what our basic agreement was. We believe the A9 and A10 amendments fix that. If we

want to provide a 90 day set aside, we would prefer it be in a different bill because the real issue is of fixing the problem from the veto override.

154 CHAIR TIERNAN: Closes the work session, announces the bill will be carried over to Thursday, and declares the meeting adjourned at 4:16 p.m.

Submitted by, Reviewed by, Reviewed by,

Annetta Mullins Gregory G. Moore Anne Tweedt
Committee Assistant Committee Counsel Committee Counsel

EXHIBIT SUMMARY:

A - SB 669, Senate Staff Measure Summary, Legislative Fiscal and Revenue statements, staff, 3 pp
B - SB 669 A, proposed amendments, Larry Campbell, 1 p
C - SB 382, Senate Staff Measure Summary
D - SB 382, Senate Staff Measure Summary, Legislative Fiscal and Revenue statements, a Fact Sheet from the City of Portland, and letters received by the committee, staff, 11 pp
E - SB 382, list of neighhood and community organizations that support photo radar, staff, 25 pp
F - SB 382, citizens letters of support, Linda Adlard, 22 pp
G - SB 382, photo radar scene, Linda Adlard, 1 p
H - SB 382, prepared statement, Captain Bob Kauffman, 3 pp
I - SB 382, information on jurisdictions using photo radar system in United States, Susan Schneider and Linda Adlard, 13 pp
J - SB 318, hand-amended Senate Staff Measure Summary, Legislative Fiscal Analysis and article from Motorail News, April 1995, staff, 4 pp
K - SB 318, proposed SB 318-A9 amendments, staff, 1 p
L - SB 318, proposed SB 318-A10 amendments, Rep. Strobeck, 4 pp
M - SB 588, Senate Staff Measure Summary, Legislative Fiscal and Revenue Statements, staff, 4 pp
N - SB 588, proposed SB 588-A9 amendments, Rep. Milne, 1 p
O - SB 588, proposed SB 588-A10 amendments, Rep. Milne, 1 p
P - SB 588, prepared statement, Rep. Milne, 1 p
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