

HOUSE COMMITTEE ON
LEGISLATIVE RULES

May 17, 1995 Hearing Room D
7:30 AM Tapes

MEMBERS PRESENT:

Rep. Ray Baum, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Tony Corcoran
Rep. Peter Courtney
Rep. Lynn Lundquist
Rep. Bill Markham
Rep. Patti Milne
Rep. Lonnie Roberts
Rep. John Watt

MEMBER EXCUSED:

STAFF PRESENT:

Aaron Felton, Committee Administrator
Cynthia Charrey, Committee Assistant

MEASURES HEARD:

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 63, Side A

003 CHAIR BAUM: calls meeting to order at 7:30

OPENS PUBLIC HEARING ON SB 626-A

Witnesses: Representative Patty Milne, District 38
 Representative Leslie Lewis, District 29
 David Haugeberg

010 REP. MILNE: Testifies in support of SB 626-A.

020 REP: LEWIS: Testifies in support of SB 626-A. Has done considerable thinking on this project. The Newberg-Dundee bypass has been on and off of

ODOT's list for many years. The gasoline tax revenue is not sufficient to build this road for many years. That is the necessity

047 REP. ROBERTS: Are there any federal highway funds coming in to cut down the cost?

052 REP. LEWIS: It is possible that there will be IST funds available.
056 David Haugeberg
093 David Haugeberg
096 Testifies in support of SB 626-A. (ExhibitA)
153 Testimony continues in support of 626-A
174 REP; ROBERTS: ODOT will set limit on toll
178 response to Rep. Robert's question.
190 REP. ROBERTS: Everything meant for the project remains with the project
194 CHAIR BAUM: What is the expected toll?
200 That will depend on several factors.

RECESSES PUBLIC HEARING ON SB 626-A
OPEN PUBLIC HEARING ON HB 887

212 SENATOR HAMBY: Testifies in support of SB 887. (Exhibit B)
260 SENATOR HAMBY: Testimony continues.
270 SENATOR TIMM: Testifies in support of SB 887-A.
321 CHAIR BAUM: Discusses testimony offered in hearing on 5-16-95 at 2 pm.
352 JIM HILL, LEGISLATIVE ASSISTANT TO SENATOR HAMBY: Testifies in support
of the Burns Oregon cite for lottery database.
381 REP. ROBERTS: Questions functions of back up system and data base.

Tape 64, Side A

003 HILL: Explains function of back up database.
010 BEYER: Do you need it quickly? What happens if you can't get fiber
there in two years?
020 HAMBY: Responds to Rep. Beyer's question.
038 HILL: Telecommunications facilities needed for this system do not
require fiber optic. The lottery would llike to have fiber optic for the
long run.
060 ROBERTS: Who's going to determine how large a system this is going to
be. What is the criteria.
065 HAMBY: Ambiguity. The state must be a customer.
074 ROBERTS: Again
076 SENATOR KENEMAR: Testifies in support of SB 887-a.
086 ROBERTS: Questions size and cost of project.
090 KENEMAR: Gives breakdown of costs.
100 HILL:

135 ROBERTS: Questions balance of cost between Lottery and private investment

163 BEYER: Is there enough buisness there in back up to interest private investment.

193 BEYER: Questions

RECESS HEARING ON SB 887

REOPENS HEARING ON SB 626

214 REP. TOM BRYAN: Testifies in support of SB 626. (Exhibit C -6 amendment)

WHY DON'T I HAVE THESE AMENDMENTS???

260 MARKHAM: What is the route?

261 BRYAN: Gives ingress and egress points.

268 Jim Nichol, Mayor of Tigard: Testifies in support of SB 626-a

301 WALT HITCHCOCK, MAYOR OF SHERWOOD: Testifies in support of SB 626-a.

314 Lou Ogden, MAYOR OF TUALATIN: Testifies in support of the -A6 amendment to SB 626-a.

378 MAN WHO HAS NOT IDENTIFIED HIMSELF: Testifies in support of SB 626-a.

Tape 64, Side B

003 unidentified man: Testimony continues.

005 Dave DuVille: Testifies in support of SB 626-a.

025 ANNE PASSOLA, CHAMBER OF COMMERCE: Testifies in support of SB 626-a. (EXHIBITS

046 GEORGE ALEXANDER: Testifies in support of SB 626-a..

060 another unidentified person: Offers amendment to SB 626-a.

078 Marlene Engeberg, Chamber of commerce: Testifies in support of SB 626-a

090 BEYER: Is there something in the bill which states those who do not wish to use toll road will not lose their access>

097 GARY JOHNSON: Yes.

102 DEBORAH DOWNEY, AAA OF OREGON: Testifies in opposition of SB 626-a.

154 WATT; The numbers cited on your polls, were these polls on this specific road

165 DOWNEY:

161 WATT: So your poll is not valid to the area.

170 PREVIOUS TESTIMONY CONTINUES.

ADJOURNS PUBLIC HEARING ON SB 626-A.

REOPENS PUBLIC HEARING ON SB 887-A

195 GARY WEEKS: Testifies on SB 887-a

208 BEYER: What if you aren't up and running in two years.

215 WEEKS: Bill requires something built by --- 1997.

224 LUNDQUIST: Have you the ability to put the building in now.

228 WEEKS;

230 LUNDQUIST: Without some change in available technology, you would not want to put your facility there?

230 WEEKS: That is correct;

275 HARVEY BARNES: SHERIFF BURNS; Testifies in support of SB 887-a.

closes public hearing

OPENS WORK SESSION ON SB 887-A.

280 MOTION: REP. WATT: Moves SB 887-A, be sent to the Floor with a DO PASS RECOMMENDATION. RESCIND REFERRAL TO WAYS & MEANS.

HOUSE COMMITTEE ON
LEGISLATIVE RULES

Hearing Room
Tapes -66

MEMBERS PRESENT:

Rep. Ray Baum, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Peter Courtney
Rep. Lynn Lundquist
Rep. Bill Markham
Rep. Patti Milne
Rep. Lonnie Roberts
Rep. John Watt

MEMBER EXCUSED:

Rep. Tony Corcoran

STAFF PRESENT:

Aaron Felton, Committee Counsel
Sarah Watson, Committee Assistant

MEASURES HEARD:

SB 650 - Work Session
SB 1073 - Public Hearing
SB 949 - Public Hearing and Work Session
SB 951 - Public Hearing and Work Session
SB 1062 - Public Hearing and Work Session
SB 1115 - Public Hearing and Work Session

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statements made during this session. Only text enclosed in quotation marks

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please refer to the tapes.

TAPE , SIDE A

004 CHAIR BAUM: Calls the meeting to order at 5:09 pm.

WORK SESSION ON SB 650

(SB 650 allows chiropractor licensed in other state to practice in Oregon
without license for limited time under certain conditions. [EXHIBIT A])

013 MOTION: REP. REP. BEYER: Moves SB 650 be sent to the floor with a
DO PASS recommendation.

VOTE: 6-0
AYE: 6 - Courtney, Lundquist, Milne, Watt, Beyer, Baum
EXCUSED: 3 - Corcoran, Markham, Roberts

CHAIR: The motion CARRIES.

023 Rep. Beyer will lead discussion on the floor.

PUBLIC HEARING ON SB 951

(SB 951 revises process for obtaining energy facility site
certificate.[EXHIBIT B])

Witnesses: Bob Hall, Portland General Electric
Steve Schell, Energy Facility Siting Council
Bob Wheel, Energy Facility Siting Council

Liz Frenkel, Sierra Club
John Savage, Oregon Department of Energy
Elizabeth Schuler, International Brotherhood of Electrical Workers

050 BOB HALL, PORTLAND GENERAL ELECTRIC: Testifies and submits written testimony in support of SB 951. (EXHIBIT C)

100 STEVE SCHELL, ENERGY FACILITY SITING COUNCIL: Testifies in opposition to SB 951.

142 BOB WHEEL, ENERGY FACILITY SITING COUNCIL: Testifies in opposition to SB 951.

150 REP. WATT: Did you give this same testimony to the Senate committee?

151 SCHELL: Yes.

159 LIZ FRENKEL, SIERRA CLUB: Testifies and submits written testimony in opposition to SB 951. (EXHIBIT D)

189 JOHN SAVAGE, OREGON DEPARTMENT OF ENERGY: Testifies and submits written testimony in support of SB 951 with amendments. (EXHIBIT E) See also addendum (EXHIBIT F)

218 REP. COURTNEY: What is your position on section 26?

220 SAVAGE: We don't agree with taking out section 26.

223 REP. WATT: Would your testimony lead us to assume that the governor would be satisfied with this bill?

226 SAVAGE: Yes.

229 ELIZABETH SCHULER, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS: Testifies and submits written testimony in support of SB 951. (EXHIBIT G)

WORK SESSION ON SB 951

248 REP. MARKHAM: Reads letter into record for testimony.

276 CHAIR BAUM: Can you please discuss and explain the -5 and -6 amendments?

281 HALL: Discusses -5 and -6 amendments to SB 951.

297 MOTION: REP. BEYER: Moves to ADOPT SB 951-5 amendments dated 05/11/95.

VOTE: Hearing no objection the motion CARRIES.

299 MOTION: REP. BEYER: Moves to ADOPT SB 951-6 amendments dated 05/12/95.

VOTE: Hearing no objection the motion CARRIES.

304 HALL: Discusses why SB 951 will be sent to Ways and Means.

310 MOTION: REP. BEYER: Moves SB 951 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 8-0
AYE: 8 - Courtney, Lundquist, Markham, Milne, Roberts, Watt, Beyer, Baum
EXCUSED: 1 - Corcoran

320 CHAIR: The motion CARRIES.

PUBLIC HEARING ON SB 1062

(SB 1062 permits consideration of functional and economic obsolescence in valuing industrial plants for ad volorem tax purposes.)

Witness: Gary Carlson, Oregon Associated Industries

325 GARY CARLSON, OREGON ASSOCIATED INDUSTRIES: Testifies and submits written testimony in support of SB 1062. (EXHIBITS H, I)

387 REP. BEYER: Assuming that all of these would be in excess of one million dollars and it would be done by the Department of Revenue. Wouldn't that information be confidential anyway?

394 CARLSON: Yes, discusses that there are confidentiality statutes. Discusses instances where the courts have allowed disclosure of the confidential data.

410 REP. MARKHAM: How long did we discuss this bill in the '81 session?

415 CARLSON: It went on for two or three years.

TAPE 66, SIDE A

WORK SESSION ON SB 1062

010 REP. BEYER: Was their testimony in the Senate that the other methods would provide enough information to make an adequate appraisal of the property?

012 CARLSON: The Department of Revenue testified on the senate side and their testimony was brief. Their concern was that the bill be clear, explains.

020 REP. BEYER: Did they feel that they could asses the value?

021 CARLSON: They believe that they can get at real market value under this

law. There are other ways to get this data and it is a limited number of properties involved. Discusses that things have changed because the tax courts have reversed their position on this statute.

033 REP. ROBERTS: Does this have a subsequent referral?

036 MOTION: REP. WATT: Moves SB 1062A be sent to the floor with a DO PASS recommendation.

VOTE: 8-0
AYE: 8 - Courtney, Lundquist, Markham, Milne, Roberts, Watt, Beyer, Baum
EXCUSED: 1 - Corcoran

CHAIR: The motion CARRIES.

053 Rep. Baum will lead discussion on the floor.

PUBLIC HEARING ON SB 1073

(SB 1073 permits local governments to allow public schools to be placed in exclusive farm use zones if district demonstrates it has made reasonable efforts to site school elsewhere.)

Witnesses: Rep. Larry Wells, District 30
Tim Roth, Farmer
Mark Roth, Farmer

066 REP. LARRY WELLS, DISTRICT 30: Testifies and submits HB 3236 & 2599 in opposition to SB 1073. (EXHIBITS J, K)

128 TIM ROTH, FARMER: Testifies and submits written testimony in opposition to SB 1073. (EXHIBITS L, M)

183 REP. MARKHAM: Have you visited with the school board in a meeting and asked them to see things how you see it?

184 T. ROTH: Yes.

186 MARK ROTH, FARMER: Testifies in opposition to SB 1073.

195 REP. MILNE: Do you have a map of where the land is?

T. ROTH: The land is only about 100 ft. from the Urban Growth Boundary. It is on Hobart Rd. at the end of James St.

203 REP. MILNE: The other pieces of land they are considering are within the Urban Growth Boundary?

205 T. ROTH: They had originally picked 11 sites, seven of them were within

the Urban Growth Boundary.

208 M. ROTH: We have a map of the proposed sites.

212 REP. WATT: What class of soil are you farming where they want to put the school?

213 T. ROTH: It is all Class one and two soils.

214 REP. LUNDQUIST: What are the sizes of sites in the Urban Growth Boundary?

216 T. ROTH: Some of the sites are 75 acres. The original site they picked was 90 acres.

219 REP. LUNDQUIST: What is the reason that they want this site?

222 T. ROTH: It would cost less to develop this land and it is close to the high school, explains.

232 M. ROTH: The land is also fairly flat and they wouldn't have to do much land development. They don't need to develop that much land for the site though.

243 REP. MILNE: Has the community done any surveys as to how they feel about these sites?

247 T. ROTH: Yes there was a town hall meeting. A lot of people wonder why the school district can't do something on the site that they are on now.

264 CRAIG ROESSLER, SILVERTON SCHOOL DISTRICT: Testifies in support of SB 1073.

339 JEFF TROSS, LAND USE PLANNER: Testifies in support of SB 1073.

370 REP. WATT: Is this process still the same as it would be for someone who wanted to build an industrial site?

379 TROSS: Under the current process, everyone is treated equally, explains.

383 REP. WATT: This would allow you to do it quicker?

384 TROSS: Yes, explains.

386 REP. WATT: I know someone who wants to build and has had to wait 10 years for land use approval.

398 REP. BEYER: When the communities are planning their land use, one thing they are supposed to do is a public facilities plan. Did the school board and school administration participate in the planning process?

406 ROESSLER: I do not believe that they participated. The high school district at that time did not believe that they would be building another high school. Discusses current comprehensive land use plan.

418 REP. BEYER: Where is this site compared to the city boundary?

419 ROESSLER: It is very close. The urban growth boundary isn't much larger than the city limits. Discusses that this was revised in 1979 and additional schools weren't planned on.

TAPE 65, SIDE B

015 REP. COURTNEY: Have you gone through the appeals process to try to change the Urban Growth Boundary?

016 ROESLLER: No.

017 REP. COURTNEY: When someone wants to build outside of the Urban Growth Boundary, from now on they will come to the legislature with justification to get their bill passed.

020 ROESLLER: I believe that there is a bill that has passed that requires

cities to work closely with school district to develop a 20 year plan that takes into consideration as to where schools should be sited.

023 REP. COURTNEY: If and when we do this for Silverton, then we have established that this is the way to go for Urban Growth modification.

027 ROESLLER: Yes.

028 REP. COURTNEY: Did you put a levy out to the public to identify where you wanted the school site?

029 ROESLLER: No.

030 REP. COURTNEY: The people said that they wanted a new building, but you did not indicate where it would be placed.

031 ROESLLER: No.

031 REP. COURTNEY: The Urban Growth Boundary is there for a reason.

037 TED HUGHES, SILVERTON SCHOOL DISTRICT: Testifies in support of SB 1073.

052 CHAIR BAUM: Is the underlying element that the city didn't have an acknowledged plan to take into consideration land to provide for a future high school?

055 ROESLLER: That is the problem and other districts will be faced with the same problems. Discusses the land use bill that is going through the legislative process.

059 REP. COURTNEY: This is a process procedure question and it deeply concerns me, discusses.

070 REP. MILNE: It has been so popular for cities to do long range planning, but Silverton did not do this concerning another school?

075 ROESLLER: That is correct. No one knew that there would be so much growth in Silverton as there has been.

080 REP. MILNE: A lot of that has to do with the unification and mergers taking place?

081 ROESLLER: We have not unified.

084 REP. MILNE: How long have you been working on this specific piece of land?

086 ROESLLER: The board has not designated which site their going to pursue. We started this process in 1994, explains how sites were chosen.

095 REP. MILNE: What reasons were some sites not chosen?

096 ROESLLER: Discusses reasons for sites not being chosen.

106 REP. LUNDQUIST: How much longer would it take to try to change the Urban Growth Boundary vs. this plan?

109 TROSS: The process could be six months to a year longer.

110 REP. LUNDQUIST: What do you estimate that cost to be for the district?

113 ROESLLER: For the appeals process it could cost \$50,000-70,000. The real cost is in construction.

119 REP. LUNDQUIST: What is the dollar figure for the construction.

119 ROESLLER: About a \$10 million site construction which doesn't include site development and purchase of land.

120 REP. LUNDQUIST: We could put a percentage of interest on 10 million dollars and estimate fairly close.

134 MARY KYLE MCCURDY, 1000 FRIENDS: Testifies and submits written testimony in opposition to SB 1073. (EXHIBIT N)

145 BOB RENDY, DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT: Testifies in opposition to SB 1073.

182 REP. LUNDQUIST: You would like to go through the other processes first?

187 RENDY: This bill would allow any school district to circumvent the current process. There is no testimony to show that this process is broken, discusses.

192 REP. LUNDQUIST: It is a long process usually.

193 CHAIR BAUM: You aren't saying that it is a 120 day process are you?

195 RENDY: Explains that it could be approved in 120 days. Our concern is that is could leave the city out, discusses. Discusses length of time for an Urban Growth Boundary to change.

204 CHAIR BAUM: The set rule is that people in any position in our land use system lock a person up for two years without much trouble. I don't think a city will expand Urban Growth Boundary in 120 days.

216 RENDY: The approval could occur in that amount of time. The appeal after the approval, you are correct, could take a long time.

228 BOB SCHAEFER, SELF: Testifies in support of SB 1073.

280 REP. LUNDQUIST: Is there any farm land within the Urban Growth Boundary?

281 SCHAEFER: Yes.

282 REP. LUNDQUIST: This could this being considered a trade-off because you are going to take farm land out either inside or outside the Urban Growth Boundary?

285 SCHAEFER: There is good farm land and bad farm land.

287 REP. LUNDQUIST: There is farm land within the Urban Growth Boundary, so if it is changed, there still will be a reduction of some farm land?

288 SCHAEFER: Yes.

PUBLIC HEARING & WORK SESSION ON SB 1115

(SB 1115 revises standards for long term care policies or certificates.)

Witness: Keith Putnam, Senate Health & Human Services Committee

325 KEITH PUTNAM, SENATE HEALTH & HUMAN SERVICES COMMITTEE: Testifies and submits proposed amendment to SB 1115. (EXHIBIT O)

355 MOTION: REP. BEYER: Moves to ADOPT SB 1115-9 amendments dated 05/17/95.

VOTE: Hearing no objection the motion CARRIES.

373 MOTION: REP. ROBERTS: Moves SB 1115 AS AMENDED to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 7-0
AYE: 7 - Lundquist, Markham, Milne, Roberts, Watt, Beyer, Baum
EXCUSED: 2 - Corcoran, Courtney

CHAIR: The motion CARRIES.

PUBLIC HEARING AND WORK SESSION ON SB 949

(SB 949 exempts manufacturers from record keeping requirements relating to rigid plastic containers under certain circumstances (EXHIBITS P, Q, R)

Witnesses: Paul Cosgrove, Soap & Detergent Association and Procter & Gamble
Bob Danko, Department Environmental Quality

397 PAUL COSGROVE, SOAP & DETERGENT ASSOCIATION AND PROCTER & GAMBLE:

Testifies and submits written testimony in support of SB 949. (EXHIBIT S)

TAPE 66, SIDE B

014 BOB DANKO, DEPARTMENT ENVIRONMENTAL QUALITY: Testifies in concern to amendments.

027 REP. ROBERTS: How long would it take for you to get the governor's approval?

029 COSGROVE: The requesters think this is a relatively minor issue. I don't know how long it would take the governor to respond to this.

036 MOTION: REP. ROBERTS: Moves to ADOPT SB 949-77 amendments dated 05/12/95.

VOTE: Hearing no objection the motion CARRIES.

038 MOTION: REP. ROBERTS: Moves to ADOPT SB 949-9 amendments dated 05/17/95.

VOTE: Hearing no objection the motion CARRIES.

039 MOTION: REP. ROBERTS: Moves SB 949 be sent to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 7-0

AYE: 7 - Lundquist, Markham, Milne, Roberts, Watt, Beyer, Baum
EXCUSED: 2 - Corcoran, Courtney

CHAIR: The motion CARRIES.

046 Rep. Roberts will lead discussion on the floor.

047 CHAIR BAUM: Adjourns the hearing at 6:35 pm.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Testimony on SB 650 - Ted Forcum - 2 pages
- B. Proposed Amendments to SB 951 - Staff - 1 page
- C. Testimony on SB 951 - Robert Hall - 16 pages
- D. Testimony on SB 951 - Liz Frenkel - 2 pages
- E. Testimony on SB 951 - John Savage - 14 pages
- F. Testimony on SB 951 - John Savage - 1 page
- G. Testimony on SB 951 - Elizabeth Schuler - 2 pages
- H. Testimony on SB 1062 - Gary Carlson - 2 pages
- I. Testimony on SB 1062 - Gary Carlson - 3 pages
- J. HB 3236 as Testimony - Rep. Wells - 1 page
- K. HB 2599 as Testimony - Rep. Wells - 1 page
- L. Testimony on SB 1073 - Tim Roth - 2 pages
- M. Testimony on SB 1073 - Tim Roth - 2 pages
- N. Testimony on SB 1073 - Mary Kyle McCurdy - 2 pages
- O. Proposed Amendments to SB 1115 - Keith Putnam - 1 page
- P. Proposed Amendments to SB 949 - Staff - 1 page
- Q. Proposed Amendments to SB 949 - Staff - 1 page
- R. Proposed Amendments to SB 949 - Staff - 4 pages
- S. Testimony on SB 949 - Paul Cosgrove - 3 pages
- T. Testimony on SB 1073 - Patricia Brandt - 3 pages