

HOUSE COMMITTEE ON
LEGISLATIVE RULES

May 18, 1995 Hearing Room D
7:30 a.m. Tapes 67-68

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 Administrator
Cynthia Charrey, Committee Assistant

MEASURES HEARD:
SB 60 Public Hearing and Work Session
SB 1114 Public Hearing
SB 1129 Public Hearing and Work Session
SB 1083 Public Hearing
SB 671 Public Hearing and Work Session
SB 395 Public Hearing
SB 35 Public Hearing

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 67, Side A

003 CHAIR BAUM: Calls meeting to order at 7:36 a.m.

OPENS PUBLIC HEARING ON SB 60

005 LARRY CAMPBELL: Testifies in support of SB 60. This is a piece of legislation that has been developed over many years (EXHIBIT A).

CLOSES PUBLIC HEARING ON SB 60

OPENS WORK SESSION ON SB 60

MOTION: REP. COURTNEY: Moves that SB 60, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: All members present vote AYE. REPS. CORCORAN, ROBERTS, and BEYER are EXCUSED.

CHAIR BAUM: The motion CARRIES.

REP. WATT will lead discussion on the Floor.

CLOSE WORK SESSION ON SB 60

068 OPENS PUBLIC HEARING ON SB 1114

Witnesses: Mickey Killingsworth, Jefferson County Farm Bureau
Jeanine Wilkey, Malheur County Rancher_

074 MICKEY KILLINGSWORTH, JEFFERSON COUNTY FARM BUREAU: Testifies in

opposition of SB 1114. Is concerned about secondary lands. Despite what a bill might say, a cow is still a cow regardless of location.

119 JEANINE WILKEY, MALHEUR COUNTY RANCHER: Testifies in opposition of SB 1114. Grazing land needs to be classified as commercial crop land. There needs to be a limit on the amount of Urban Growth. Right to farm provisions are needed but not at the expense of strict land usage laws.

187 CLOSES PUBLIC HEARING ON SB 1114

OPENS PUBLIC HEARING ON SB 1129

Witnesses: Paul Tiffany, Bureau of Labor and Industries

204 PAUL TIFFANY, BOLI: Testifies in support of SB 1129. Creates a task force to analyze the functions of the Bureau of Labor and Industries and those of other agencies that might be duplicated.

226 REP. COURTNEY: Is there a budgetary impact on this?

239 TIFFANY: No.

246 REP. WATT: Who are the results going to be reported to?

249 TIFFANY: The intent is to report the results to the Legislative Assembly.

CLOSES PUBLIC HEARING ON SB 1129

OPENS WORK SESSION ON SB 1129

MOTION; REP. BEYER: Moves SB 1129 to the floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REPS. CORCORAN and ROBERTS, are EXCUSED.

CHAIR BAUM: The motion CARRIES.

REP. BEYER will lead the discussion on the floor.

CLOSES WORK SESSION ON SB 1129

OPENS PUBLIC HEARING ON SB 1083

Witnesses: Richard Angstrom, Oregon Concrete and Aggregate Association.
Charles Swindell, 1000 Friends of Oregon

261 RICHARD ANGSTROM: Testifies in support of SB 1083. The amendment is the most controversial section. It limits the standing to those people actually effected by the aggregate operation.

310 REP. BEYER: Why would we want another standard?

317 ANGSTROM: This standard applies to everything. Any land use decision the prevailing party may be awarded attorney's fees.

330 REP. WATT: Why was \$200 too high for a filing fee?

341 ANGSTROM: Agreed to the \$200 to minimize the controversy, because the other aspects were more important than quibbling over dollar amounts.

352 REP. COURTNEY: If you lived in a home within 1000 feet and you were a renter would you have a standing to complain?

362 ANGSTROM: Yes, if you participated in the initial procedure. But this bill is addressed to the person who owns the property. Our research shows that land-owners complain.

371 REP. COURTNEY: If you are not within that 1000 feet, how can you participate in the process?

377 ANGSTROM: You can only if you have been involved from the start of the process. You can't come in at the last instance.

381 ANGSTROM: It only lets someone who lives within 1000 feet or who has suffered \$5,000 economic damage come into the process after the initial land use hearing.

TAPE 68, Side A

029 ANGSTROM: For aggregate, it is outside the Urban growth boundary. Only relates to quasi-judicial decisions for aggregate.

034 REP. COURTNEY: Is this a Republican / Democratic issue?

041 ANGSTROM: It was never intended to be such. Became a partisan issue because of the limiting of standing.

056 REP. BEYER: If you want to appeal a land use decision, you've had to participated in the hearing process and you have to own property within 1000 feet or can prove \$5,000 damage to your property?

065 ANGSTROM: That is correct.

074 REP. WATT: Who else is there?

077 ANGSTROM: It is always the landowners concerned, and it rights out those people who are trying to wipe out developments, because they do not want trucks on the highways.

081 REP. MARKHAM: Did you think about writing in "Owners or renters"?

084 ANGSTROM: I have no problem with that, if it brings it out of the partisan issue.

100 CHARLES SWINDELL, 1000 FRIENDS OF OREGON: Testifies in opposition of SB

1083. What is the problem that this bill is trying to address? LUBA has no backlog of cases. The balance is working well (EXHIBIT B).

150 SWINDELL: What about neighborhood associations? What about farmers who lease their farm? Will they be able to raise concerns about an issue?

189 REP. BEYER: There are cases where people who do not even live in the same county, but will try to stop a development.

192 SWINDELL: Agrees but questions number of cases per year. The first goal of land use in this state is citizen involvement.

216 REP. WATT: There is a problem.

239 SWINDELL: If these appeals are so frivolous, why are so many found meritorious by the LUBA Board.

RECESSES PUBLIC HEARING ON SB 1083.

OPENS PUBLIC HEARING ON SB 671.

Witnesses: Senator Bill Kennemer, District 12.

275 SENATOR KENNEMER: Testifies in support of SB 671.

323 SENATOR KENNEMER: Testimony continues on SB 671.

closes public hearing on SB 671.

REOPENS PUBLIC HEARING ON SB 671.

CLOSES PUBLIC HEARING ON SB 671.

OPENS WORK SESSION ON SB 671.

Tape 67, Side B

MOTION: REP. BEYER: Moves to AMEND SB 671, on page 2, section 6, line 26, the word "when" be changed to "if".

VOTE: Hearing no objection, the amendment is adopted. REPS. CORCORAN, COURTNEY, LUNDQUIST, and ROBERTS are EXCUSED.

MOTION: REP. BEYER: Moves that SB 671, AS AMENDED, be sent to the floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REPS. CORCORAN, COURTNEY, LUNDQUIST, and ROBERTS are EXCUSED.

REP. COURTNEY will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 671

OPENS PUBLIC HEARING ON SB 395

Witnesses: Senator Mae Yih, District 19
Randy Ealy, Consulting Engineers Council of Oregon
David Vanderlip, Vanderlip and Associates

050 SENATOR MAE YIH, DISTRICT 19: Testifies in support of SB 395. This bill is designed to allow public procurement officials to consider private goods and services (EXHIBIT C and D).

083 RANDY EALY, CONSULTING ENGINEERS COUNCIL OF OREGON: In support of SB 395 and the -A10 amendments (EXHIBIT E).

106 DAVID VANDERLIP, VANDERLIP AND ASSOCIATES: Testifies in support of SB 395.

153 SENATOR YIH: I would prefer no amendments to the bill, but I will meet with the consulting engineers to discuss it.

CLOSES PUBLIC HEARING ON SB 395

OPENS PUBLIC HEARING ON SB 35

Witnesses: Geoff Guilfooy, Department of Consumer and Business Services

192 GEOFF GUILFOY, DEPARTMENT OF CONSUMER AND BUSINESS SERVICES: Testifies in support of SB 35 (EXHIBIT F).

213 REP. MARKHAM: Are we talking about plumbing, electrical and such?

218 GUILFOY: Yes.

250 GUILFOY: The system is designed to be decentralized, and has resulted in a mixed bag. You have entities that are doing very well then you have others who are not doing as well. There are certain amendments that would like added to the bill

CLOSES PUBLIC HEARING ON SB 35.

313 CHAIR BAUM: Recesses meeting for the call of the House.

EXHIBIT SUMMARY:

A- Testimony on SB 60- Larry Campbell- 12 pages
B- Testimony on SB 1083- Charles Swindell- 2 pages
C- Testimony on SB 395- Senator Yih- 4 pages
D- Testimony on SB 395- Senator Yih- 1 page
E- Amendments to SB 395- Randy Ealy- 3 pages
F- Testimony on SB 35- Geoff Guilfooy- 9 pages

HOUSE COMMITTEE ON
LEGISLATIVE RULES

Hearing Room
Tapes - 70

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Rep. Tony Cocoran
Rep. Peter Courtney

STAFF PRESENT:

Aaron Felton, Committee Counsel
Sarah Watson, Committee Assistant

MEASURES HEARD:

SB 467 - Public Hearing
SB 559 - Public Hearing
SB 1114 - Public Hearing
SB 1083 - Public Hearing
SB 35 - Public Hearing and Work Session
SB 395 - 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

005 CHAIR BAUM: Calls the meeting to order at 1:40 pm.

PUBLIC HEARING ON SB 559

(SB 559 establishes Oregon Utility Notification Center as public
corporation.)

Witnesses:

Rep. Len Hannon, District 26
Tom Berry, Northwest Natural Gas
Paul Graham, Oregon Department of Justice

015 SEN. LEN HANNON, DISTRICT 26: Testifies in support of SB 559.

034 TOM BERRY, NORTHWEST NATURAL GAS: Testifies in support of SB 559.

053 REP. WATT: Do the other states you mentioned have nonprofit public
corporations?

055 BERRY: I don't know.

058 REP. WATT: Could you do this without the public corporation?

065 PAUL GRAHAM, OREGON DEPARTMENT OF JUSTICE: Yes, you could do this without a public corporation, explains.

071 REP. ROBERTS: Discusses language concerning assigning members to the board. Is this a conformation by the senate?

077 SEN. HANNON: These are non-conformation positions. I would rather that the governor's office work it out through the Public Utility Commissioners office.

081 REP. ROBERTS: How big of board are you looking at?

082 GRAHAM: There would be nineteen on the board; seventeen parties from the industry and two from state government. Discusses what the board does.

088 REP. ROBERTS: Nineteen seems like a big committee.

089 GRAHAM: Discusses why there would be so many people on the board.

092 REP. LUNDQUIST: Is this mandatory?

093 GRAHAM: Yes.

094 REP. LUNDQUIST: Was there any opposition to this?

094 GRAHAM: I think only from Oregon People's Utility District Association.

096 BERRY: Discusses opposition in the senate and what the vote was.

101 REP. WATT: There are some places that can only be called a couple of hours a day which are private answering services. Will those people be able to supply the 24 hour service, or will that 24 hour service be an 800 number?

107 SEN. HANNON: It would be open for bid, explains.

110 REP. WATT: So this doesn't foreclose on any public businesses?

112 SEN. HANNON: No, they have a right to step forward and submit a bid and be considered.

113 REP. BEYER: In some areas aren't there private companies that currently do this and would this put them out of business?

115 SEN. HANNON: No, this would not put them out of business, explains.

130 REP. ROBERTS: Are there any opposing amendments to this?

132 BERRY: We had one person, who has now agreed, and will not propose any new amendments.

PUBLIC HEARING ON SB 395

(SB 395 modifies provision that exempts public contracts made with other governmental agencies from competitive bidding requirement. [EXHIBITS A, B])

Witnesses: Jack Nelson, Associated Contractors
Hal Murray, Consulting Engineers Council
Cam Birnie, Department of Administrative Services

151 JACK NELSON, ASSOCIATED CONTRACTORS: Testifies and submits written testimony and proposed amendments in support of SB 395. (EXHIBITS C, D)

209 CHAIR BAUM: Do you know of anyone that opposes this amendment?

210 NELSON: I have had discussions with cities and counties and this amendment is the product of the compromise, explains.

217 REP. ROBERTS: Are we talking about sealed bids?

218 NELSON: This is exempting a project from a sealed bid.

228 HAL MURRAY, CONSULTING ENGINEERS COUNCIL: Testifies in support of -10 amendments to SB 395.

292 CAM BIRNIE, DEPARTMENT OF ADMINISTRATIVE SERVICES: Testifies and submits written testimony in opposition to the -10 amendments. (EXHIBIT E)

329 REP. ROBERTS: What did you say about the AG's office?

332 BIRNIE: Four years ago through a statute, the legislature directed the AG's office to define architects and engineers personal service contracts.

351 BILL PENHOLLOW, ASSOCIATION OF OREGON COUNTIES: Testifies in support of SB 395.

376 CHAIR BAUM: Does this bill need some technical amendments?

377 PENHOLLOW: The clarity of the bill could be improved.

381 CHAIR BAUM: Is there anyone working on that?

383 PENHOLLOW: No, no one is doing it now. Continues with testimony on amendments.

409 CHAIR BAUM: There is an option, instead of doing the -9 amendments, to work on other solutions.

411 PENHOLLOW: I would feel much better about that. I would be happy to work during the interim on this bill. Discusses the -10 amendments.

TAPE 70, SIDE A

011 REP. ROBERTS: Who submitted the -10 amendments?

012 CHAIR BAUM: They were submitted by the civil engineers and architects in the private sector.

019 PENHOLLOW: This is not a new issue, but is something we have been working on and we feel that it has been adequately defined.

WORK SESSION ON SB 395

028 MOTION: REP. ROBERTS: Moves to ADOPT SB 395-9 amendments dated 05/11/95.

VOTE: 6-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Corcoran, Courtney, Markham

031 MOTION: REP. WATT: Moves to ADOPT SB 395-10 amendments dated 05/17/95.

034 REP. BEYER: Do the -9 and -10 amendments conflict?

035 REP. WATT: No.

038 VOTE: 6-0

AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Corcoran, Courtney, Markham

045 MOTION: REP. BEYER: Moves to ADOPT SB 395-11 amendments dated
05/18/95.

VOTE: 6-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Corcoran, Courtney, Markham

051 MOTION: REP. BEYER: Moves SB 395 be sent to the floor with a DO
PASS AS AMENDED recommendation.

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

CHAIR: The motion CARRIES.

063 Rep. Baum will lead discussion on the floor.

PUBLIC HEARING ON SB 1083

(SB 1083 changes procedure and specifies conditions for filing petition for
review by Land use Board of Appeals of quasi-judicial land use decision
which involves needed housing or industrial development within urban growth
boundary or aggregate resources. [EXHIBIT F])

Witness: Richard Angstrom, Oregon Concrete & Aggregate Producers Association

090 REP. BEYER: Discusses conceptual amendments and how the bill should
read.

114 REP. WATT: Explain the wording "factually substantiate".

117 RICHARD ANGSTROM, OREGON CONCRETE & AGGREGATE PRODUCERS ASSOCIATION:
Explains conceptual amendments.

120 REP. WATT: Is this language used anywhere else in law?

121 ANGSTROM: Yes, but I don't know where.

126 REP. BEYER: What we are trying to get at is that they are required to
prove that there was some damage, without requiring the people to go and
get an appraisal, which is expensive.

131 REP. WATT: Asks about specific language in the bill and what it means.

136 CHAIR BAUM: It would be up to the planning commission.

139 REP. WATT: If it isn't factual then the appeal is thrown out?

140 ANGSTROM: According to LC, this was a half way point.

144 REP. WATT: Legislative Counsel suggested this language?

145 ANGSTROM: I took it to her and they said the right wording was used.

146 REP. WATT: Did Legislative Counsel suggest the language?

147 ANGSTROM: No.

150 CHAIR BAUM: Discusses conceptual amendment language.

158 MOTION: REP. BEYER: Moves to AMEND SB 1083 by inserting
"conceptual amendments" on lines 7, 18, and 19.

VOTE: Hearing no objection the motion CARRIES.

164 CHAIR BAUM: Asks about the language in the -5 amendments.

174 ANGSTROM: Discusses and explains the -5 amendments.

191 CHAIR BAUM: We should only deal with lines 4 & 5 in the -5 amendments.

197 MOTION: REP. ROBERTS: Moves to ADOPT SB 1083-5 amendments lines 4
& 5 only.

VOTE: Hearing no objection the motion CARRIES.

202 MOTION: REP. ROBERTS: Moves SB 1083 be sent to the floor with a DO
PASS AS AMENDED recommendation.

VOTE: 6-0

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

CHAIR: The motion CARRIES.

210 Rep. Lundquist will lead discussion on the floor.

PUBLIC HEARING ON SB 35

(SB 35 authorizes municipality to administer building inspection program
[EXHIBIT G])

Witnesses: Jane Cummins, League of Oregon Cities
Bertan Weast, Plumbing, Heating & Cooling Contractors
Gordon Fultz, Oregon Associated Counties
Geoff Gilfouy, Department of Consumer & Business Services
Peggy Collins, Building Codes Division
Fred Vinetta, Oregon State Home Builders Association

238 JANE CUMMINS, LEAGUE OF OREGON CITIES: Testifies and submits written
testimony in opposition of SB 35. (EXHIBITS H, I, J)

353 REP. LUNDQUIST: This is very similar to what we did with HB 2165,
explains.

371 REP. WATT: In my district there is a great deal of dissatisfaction with
regards to how building codes inspections take place. The reason the cites
are opposed to this is that it will take away some of the revenue
generating proposal. But the idea is to set up a state wide program that
will work the same way all over the state.

401 CUMMINS: There are some cites in Oregon who no longer have to subsidize
the building code program because of the building boom. One of the reasons
of not taking the whole program is that there is a lack of certified
personnel. Discusses why some cities have had problems.

TAPE 69, SIDE B

015 REP. WATT: One of the building inspectors in Southern Oregon recently
borrowed money from contractors and wasn't paying them back.

018 CUMMINS: We did see that and some other changes as well.

022 REP. BEYER: There are a lot of good things about the bill, explains.

031 REP. LUNDQUIST: What do the cities think about the four year deal?

043 BERTAN WEAST, PLUMBING, HEATING & COOLING CONTRACTORS: Testifies in support of SB 35 and the -12 amendments.

058 REP. ROBERTS: You support the bill without the amendments?

059 WEAST: We support the bill with the -12 amendments.

064 GORDON FULTZ, OREGON ASSOCIATED COUNTIES: Testifies in support of SB 35 and the amendments.

083 REP. MARKHAM: Is there any more or less harassment to the homeowner in this bill?

084 FULTZ: No, explains.

101 GEOFF GILFOUY, DEPARTMENT OF CONSUMER & BUSINESS SERVICES: Testifies and submits written testimony and explains amendments in support of SB 35.

(EXHIBITS K, L)

103 PEGGY COLLINS, BUILDING CODES DIVISION: Discusses technical amendments to the -12 amendments. (EXHIBITS M, N)

167 REP. MARKHAM: Is this more or less democracy?

169 FRED VINETTA, OREGON STATE HOME BUILDERS ASSOCIATION: Testifies in support of bill and explains amendments.

188 REP. MARKHAM: Discusses that years ago the building codes inspections was straightened out. Does that still hold true today?

193 COLLINS: That is correct.

WORK SESSION ON SB 35

199 MOTION: REP. ROBERTS: Moves to ADOPT SB 35-12 amendments dated 05/18/95 and that the bill be further amended by inserting "conceptual changes by Oregon League of Cities".

VOTE: Hearing no objection the motion CARRIES.

212 MOTION: REP. ROBERTS: Moves SB 35 be sent to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-2
AYE: 5 - Markham, Milne, Roberts, Watt, Baum
NAY: 2 - Lundquist, Beyer
EXCUSED: 2 - Corcoran, Courtney

CHAIR: The motion CARRIES.

228 Rep. Roberts will lead discussion on the floor.

PUBLIC HEARING ON SB 467

(SB 467 exempts certain schools from mandatory merger requirement.)

248 JOHN HILL, LAKE ESD: Testifies in support of SB 467 majority report. Discusses why he would like the mile limit to be changed to twelve miles.

PUBLIC HEARING ON SB 1114

(SB 1114 establishes policy, criteria, procedures and other factors for identifying secondary lands.)

297 BRUCE BARTOW, JOSEPHINE COUNTY PLANNING DIRECTOR: Testifies to discusses how SB 1114 would effect his county.

320 REP. WATT: I've had a conversation with some people in my district and they are indicating a great deal of concern about this bill. How do the people in Josephine County feel?

327 BARTOW: I am feeling pretty positive about it, explains. Josephine County has been a strong supporter of secondary lands, discusses.

337 REP. WATT: If we were to have someone and help bring back a comprehensive regional study plan to the next legislative session in lieu of SB 114, would you be in favor of that?

344 BARTOW: I would be more in favor of SB 1114, explains.

374 REP. MARKHAM: What is the \$55,000 rule?

376 BARTOW: It is a test, explains.

384 REP. MARKHAM: Does that mean the land meets that test, then you can't build on it?

385 BARTOW: No, it is a method of identifying secondary lands. Discusses maps about land.

(Informal discussion of maps on floor)

416 REP. LUNDQUIST: Can you explain the secondary lands rule again?

418 CHAIR BAUM: Discusses rule.

420 BARTOW: Josephine county has about the third lowest volume of farm land in the state of Oregon, explains. Discusses maps.

499 CHAIR BAUM: Adjourns the hearing at 3:10 pm.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Proposed Amendments to SB 395 - Staff - 2 pages
- B. Proposed Amendments to SB 395 - Staff - 1 page
- C. Testimony on SB 395 - Jack Nelson - 1 page
- D. Testimony on SB 395 - Jack Nelson - 3 pages
- E. Testimony on SB 395 - Cam Birnie - 2 pages
- F. Proposed Amendments to SB 1083 - Staff - 1 page
- G. Proposed Amendments to SB 1083 - Staff - 1 page
- H. Proposed Amendments to SB 35 - Staff - 18 pages
- I. Testimony on SB 35 - Jane Cummins - 2 pages
- J. Testimony on SB 35 - Jane Cummins - 1 page
- K. Testimony on SB 35 - Jane Cummins - 1 page
- L. Testimony on SB 35 - Geoff Guilfooy - 2 pages
- M. Testimony on SB 35 - Geoff Guilfooy - 1 page
- N. Testimony on SB 35 - Peggy Collins - 1 page
- O. Proposed Amendments to SB 35 - Peggy Collins - 5 pages