

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes 66 - 67

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Neil Bryant
Sen. Ron Cease
Sen. Bill Dwyer

MEMBER EXCUSED:

Sen. Bob Kintigh, Vice-Chair

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant
Heather Gravelle, Senate Floor Staff

MEASURES HEARD:

HCR14
SB 568
SB 588
SB 674

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 66, SIDE A

005 CHAIR JOHNSON: Calls the hearing to order. (1:17 P.M.)

PUBLIC HEARING ON HCR14

Witness: Dave Barrows, Association of Oregon Counties
Fred VanNatta, Oregon State Home Builders Association

015 DAVE BARROWS, ASSOCIATION OF OREGON COUNTIES: Testifies in support.
(Submits written testimony, (EXHIBIT A).

049 SEN. DWYER: How much will it cost to manage these lands and how much
will this cost to administer?

BARROWS: Part of that is dependent on the receiving language; the state
forester feels he can handle this.
(Discusses selling of timber.

080 FRED VANNATTA, OREGON STATE HOME BUILDERS ASSOCIATION: Testifies in
support; submits history of O&C lands, (EXHIBIT B).

WORK SESSION ON SB 568

100 MOTION: CHAIR JOHNSON MOVES RECONSIDERATION OF THE VOTE BY WHICH SB 568

PASSED OUT OF COMMITTEE.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

MOTION: SEN. DWYER MOVES ADOPTION OF THE (-2) AMENDMENTS.

112 SEN. CEASE: What changes does this make?

CHAIR JOHNSON: Describes.

SEN. CEASE: I did get a copy of what the cost would be; (EXHIBIT E).

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES.

153 MOTION: SEN. DWYER MOVES SB 568 AS AMENDED TO THE FLOOR WITH A DO PASS
RECOMMENDATION.

157 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. CARRIER - JOHNSON

PUBLIC HEARING ON SB 588

Witnesses: Bob Meinen, Director, Oregon Parks and Recreation Department
James Hamrick, State Preservation Office
Lisa Burcham, Executive Director, Historic Preservation League of Oregon
Judy Gerrard
Leslie Miller
John Tess, Heritage Investment Corporation & the Oregon Historic Property
Owners Association

185 BOB MEINEN, DIRECTOR, OREGON PARKS AND RECREATION DEPARTMENT: Testifies

in support of SB 588 with amendments, submits written testimony, (EXHIBIT
F).

(On page three of Exhibit F we have made some recommendations for
amendments.

(Follows written testimony.

333 MEINEN: (In response to Johnson) The C & D portions that are
highlighted would address the national register; "E" addresses the issue
and I brought that for the committee; "E" isn't mandatory as far as the
feds are concerned.

CHAIR JOHNSON: The result of "E" is that homeowners property which has been
listed under the Oregon State Register doesn't necessarily follow with
restrictions unless the owner agrees?

345 JAMES HAMRICK, STATE PRESERVATION OFFICE: Goal five imposes a mandatory
involuntary land designation at this time.

(The national registry has always been a owner consent process.

SEN. DWYER: We have to wait ninety days for a veto override to become law?

HAMRICK: There wasn't an emergency clause.
(Describes historic register process.

489 HAMRICK: (In response to Dwyer): The section in the National Historic
Preservation Act has been in there since the early to mid 1980's.

TAPE 67, SIDE B

038 MEINEN: Describes state and local registers.

HAMRICK: The intent is for property owners who wish to be on; the problem
is when property gets sold and the new owner doesn't want to be on it.

CHAIR JOHNSON: I want to go through and look at affects on property
owners.

HAMRICK: Describes.
(Most local governments require that properties on the Goal 5 register be
protected.

085 CHAIR JOHNSON: The Oregon State Register also has no land owner
restrictions?

HAMRICK: That is an enabling statute that has never been "cranked up".

MEINEN: The Oregon register mimics the national register, it is inventory and listing.

103 CHAIR JOHNSON: Section fourteen; do you have anything beyond your opinion that would show that homeowners would opt out of the program?

HAMRICK: We have substantially increased monitoring; we've found most people like the program as it is.

(There is a mandatory fee in section fourteen and we feel this isn't in the public interest.

150 CHAIR JOHNSON: Is there a capture of tax benefits for when people opt out?

HAMRICK: The law was amended in 1980 allowing opt out; describes process.

188 LISA BURCHAM, EXECUTIVE DIRECTOR, HISTORIC PRESERVATION LEAGUE OF OREGON: Testifies in support with amendments, (EXHIBIT G).
(Follows written testimony.

CHAIR JOHNSON: Local communities have the opportunity to protect those areas.

BURCHAM: Continues, see Exhibit G.

365 SEN. DWYER: Isn't changing "shall" to "may" what the veto override was all about?

BURCHAM: There are communities who would like to implement an owner consent provision; this would allow for public testimony one way or another.

SEN. DWYER: If the incentives don't work then the communities should buy the properties.

BURCHAM: That may work for what they can afford.

435 SEN. DWYER: This property is important and all these benefits we give property owners to get into these programs is unbelievable.

465 JUDY GERRARD: Submits written testimony, (EXHIBIT H).

TAPE 66, SIDE B

GERRARD: I would like my community to have the option on the owner consent.

(Item number four, Exhibit H, refers to a demolition delay process.
(The point is an opportunity to seek alternatives to demolition.

090 LESLIE MILLER: I am sad at that remarks I've heard, with all due respect, because if these issues of philosophy and economics aren't open for debate, I wonder how well my input will be taken since it does involve a questioning of some of those economic theories.

(HB 2124 was a bad bill and should have been vetoed.

155 SEN. DWYER: If a local government wants to opt out it shouldn't have anything to do with a citizen that wants in.

(I support the demolition delay concept.

BURCHAM: The intent was to get those properties rehabilitated.

235 JOHN TESS, HERITAGE INVESTMENT CORPORATION AND THE OREGON HISTORIC PROPERTY OWNERS ASSOCIATION: We are happy that the veto was overridden.

(Oregon's special assessment tax law has been a vital tool.

(Section fourteen; there is an incredible amount of monitoring done and they have done a good job.

WORK SESSION ON SB 588

MOTION: CHAIR JOHNSON MOVES THAT LINES TWELVE THROUGH SIXTEEN, PAGE ONE BE DELETED ALONG WITH ALL OF SECTION FOURTEEN.

286 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

WORK SESSION ON HCRI4

MOTION: CHAIR JOHNSON MOVES THAT HCRI4 BE SENT TO THE FLOOR WITH A DO
PASS RECOMMENDATION.

325 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS EXCUSED:
KINTIGH & CEASE CARRIER: JOHNSON

PUBLIC HEARING ON SB 674

Witnesses: Martha Pagel, Director, Water Resources Department
Jan Boettcher, Oregon Water Resources Congress
Jeannette Holeman, Legislative Counsel

350 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: We are handing out
a revised version of our chart, (EXHIBIT I).
(Describes chart.

TAPE 67, SIDE B

035 PAGEL: Those are the changes and LC amendments are being prepared.

041 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: We agree with \$50 for
the protest and \$200 for the scheduled contested case, mirroring the fees
in Washington State.
(On the contested case, we agree 180 days are adequate.

050 CHAIR JOHNSON: Why 105 days for a final order when it only takes 60 -
68 days for a proposed final order?

PAGEL: We could compress the sixty day line easier than the forty five
days.
(There is a fair chance that the protests will bring up issues we haven't
thought of.

119 SEN. BRYANT: If there is no protest then the sixty day period will be
shorter?

PAGEL: That is the intent, these are maximum time lines.

SEN. DWYER: How much will this system cost to implement?

PAGEL: About thirty people over one year.

140 SEN. DWYER: If we give you this structure and one million dollars, what
do we anticipate the workload to look like when we come back in 1997?

PAGEL: We will have been able to have gotten through the backlog and we
will be able to keep up; we don't know how many permanent staff it will
take to keep up.

170 SEN. BRYANT: The 2500 technical reviews completed will fit in the
second section?

PAGEL: Most will fit into the final order.

190 SEN. BRYANT: One suggestion would be that the Commission be able to
pull anything back and I oppose that.

CHAIR JOHNSON: We will vote on that.
(Describes bill.

260 JEANNETTE HOLEMAN, LEGISLATIVE COUNSEL: The new bill, integrating the
amendments, are forty some pages long and you may want to consider that.

PAGEL: There are concerns as this is all new.

311 CHAIR JOHNSON: We are adjourned. (3:05)

Submitted by, Reviewed by,

Kimberly Shadley
Committee Assistant

Karen Quigley
Committee Counsel

EXHIBIT SUMMARY:

- A - HCR14: Written testimony in support submitted by Barrows, pp 3
- B - HCR 14: Informative material submitted by VanNatta, pp 6
- C - HCR14: Preliminary staff measure
- D - SB 568: (-2) amendments submitted by staff, pp 1
- E - SB 568: Informative material submitted by Cease, pp 1
- F - SB 588: Written testimony and informative material submitted by Meinen, pp 17
- G - SB 588: Written testimony submitted by Burcham pp 4
- H - SB 588: Written testimony submitted by Gerrard, pp 2
- I - SB 674: Informative material submitted by Pagel, pp 1
- J - SB 588: Preliminary staff measure summary submitted by staff, pp 1
- K - SB 674: Written testimony submitted for the record by staff, pp 6