

HOUSE COMMITTEE ON GENERAL GOVERNMENT

June 1, 1993 Hearing Room 357 8:30 a.m. Tapes 40 - 42

MEMBERS PRESENT: Rep. Cedric Hayden, Chair Rep. Jim Edmunson,
Vice-Chair Rep. Ken Baker Rep. Carl Hosticka Rep. Patti Milne Rep. Chuck
Norris Rep. Del Parks Rep. Lonnie Roberts Rep. Sharon Wylie

MEMBERS EXCUSED: Rep. Parks

STAFF PRESENT: Janet Adkins, Committee Administrator Amy
Jahnke, Committee Clerk

MEASURES CONSIDERED: HB 3383 HB 3313 SB 779 SB 265 SB 7 HB 2910
HB 2221 HB 3490 SB 1055 SB 1114

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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. [--- Unable To Translate
Graphic ---]

TAPE 40, SIDE A

CHAIR HAYDEN: Calls meeting to order at 8:35 a.m.

SB 779 - WORK SESSION

JULIE DOW, RESEARCHER: Describes bill; submits staff measure summary

(EXHIBIT A) submits senate staff measure summary (EXHIBIT B).

024 MOTION: REP. NORRIS MOVES THAT SB 779 BE SENT TO THE FLOOR WITH
A DO PASS RECOMMENDATION

REP. ROBERTS: Cost is minimal, when you consider that a child becomes a
missile if not in a car seat. CHAIR HAYDEN: The other side of the
argument is that when an accident

occurs the belt jams and people can not get child out of car.

REP. MILNE: Was there any discussion on people who are stopped for not
having children in car seats?

REP. NORRIS: It is rated as a class D traffic infraction.

JULIE DOW: The citation is for fifty dollars and is often made void if a
car seat is purchased.

REP. MILNE: I am in favor of this bill.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. ALL MEMBERS VOTING AYE.

MEMBERS EXCUSED: REP. PARKS

HB 3313 - WORK SESSION

082 JULIE DOW: Describes bill; submits staff measure summary (EXHIBIT C), submits -2 amendments (EXHIBIT D).

098 REP. NORRIS: This bill was created by epilepsy patients. I contacted Doctor Salinsky who is the chairman of the advisory board of the

Epilepsy Association of Oregon, he strongly supported the bill, and indicated that most epilepsy patients were such that they could safely do this, generally had warning before an epilepsy seizure, so we did schedule a hearing and there was considerable testimony from medical sources including Doctor Salinsky and a doctor from the department of health.

134 REP. MILNE: What happens if an individual with epilepsy has an accident?

REP. NORRIS: Depends on the circumstance.

149 REP. ROBERTS: If people with epilepsy think that the doctor by law must report that they have epilepsy they will lie to doctors. They will lie

about the epilepsy altogether or the degree in which they have it.

163 REP. BAKER: If you pass this in its current form it will put people on the road who are not safe. I would like to see a change in the

amendment.

194 REP. MILNE: Are conditions such as epilepsy stated on license?

206 REP. BAKER: Could have a more frequent reporting code.

215 REP. ROBERTS: If an individual has serious condition, a physician does not report it to DMV and because of that condition there is an accident, could the physician be held responsible?

REP. BAKER: The proposed language would probably release a physician from responsibility.

225 REP. ROBERTS: What I read in the amendments is that if you as a physician consider this person a threat you are responsible for

reporting this person.

239 CHAIR HAYDEN: This has a wide net and would include Alzheimer's patients.

REP. NORRIS: There was a doctor from the Department of Health who participated in the work group and came back and gave convincing testimony and she is not here this morning - I would defer this bill until later.

253 PETER NUNANKAMP, DMV: There has been a case of a person who left a mental institution and was driving and killed people and a hospital was held liable.

280 REP. ROBERTS: At that time did the language say that they shall or may report.

NUNANKAMP: The language was shall.

284 REP. BAKER: Can you give us a number as to how many people are denied licenses in the state of Oregon for conditions?

NUNANKAMP: In 1992 we had 1201 driving privileges denied based upon medical conditions.

296 REP. ROBERTS: How many of those were directly related to epilepsy?

NUNANKAMP: Roughly 19%.

REP. ROBERTS: Simply because they have epilepsy does not mean that, that is what caused the accident.

319 CHAIR HAYDEN: We will have a public hearing on this at a later time.

SB 7 - WORK SESSION

345 JULIE DOW: Describes bill; submits staff measure summary (EXHIBIT E).

360 MOTION: REP. ROBERTS MOVES THAT SB 7 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

CHAIR HAYDEN: Was there any testimony that money can be archeological?

377 JULIE DOW: Older than 75 years.

CHAIR HAYDEN AND JULIE DOW CONTINUE DISCUSSION ON DEFINITIONS

404 CHAIR HAYDEN: What was the length of time that this moratorium on issuing treasure trove permits would be?

JULIE DOW: There has been a moratorium since the mid eighties.

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009 REP. HOSTICKA: There was somebody from California who thought he found a shipwreck and was worried that the State of Oregon was going to shut him down by calling it an archeological site rather than a treasure

trove.

018 REP. NORRIS: Did you indicate that there is a Senate bill pending that would bring the time to fifty years?

JULIE DOW: Yes.

030 REP. ROBERTS: We are trying to protect sacred grounds.

HB 2910 - WORK SESSION

046 JULIE DOW: Describes bill; submits hand-engrossed bill (EXHIBIT F), staff measure summary (EXHIBIT G), -1 amendments (EXHIBIT H).

067 REP. ROBERTS: Forest summit with the president, there was a concert and thousands were there and grass had to be replanted and must have cost a lot of money, and it did not last 24 hours, would that come under this

heading?

JULIE DOW: It did not last 24 hours so it would not be considered a mass gathering under this statute.

076 REP. BAKER: This is broad sweep. It should be the responsibility of government to absorb those costs unless extraordinary.

087 REP. EDMUNSON: How much does it cost to get an insurance policy for one million dollars?

097 REP. WYLIE: The liability for one million dollars is about three hundred dollars a year.

117 REP. BAKER: I see the insurance as an assurance bond.

126 REP. ROBERTS: I have a problem with the government being left holding the bag for expenses.

137 REP. NORRIS: If it is in the city why would the county be involved? Why wouldn't local government have a complete contract to cover extra things that arise?

CHAIR HAYDEN: Provisions for amenities should be a private contract.

157 REP. ROBERTS: In Multnomah county the county controls things within the city boundaries, I have to assume that there is something like an

agreement between the city and the county where the county would have responsibility.

CHAIR HAYDEN: Are we dealing with the fact that this is public land or what if it is private land and the only responsibility of government is to issue a permit?

166 JULIE DOW: An event that lead to this bill did occur on private

land and part of the costs that the county was complaining about were hearings

for land use variances, and staff time.

173 REP. HOSTICKA: Government gets its money from taxpayers, this is a reasonable way of protecting tax payers.

194 REP. ROBERTS: Other private properties that encompass what area it is and generally you will find that there are times when some of these

groups might destroy personal properties that surround the private property that this event is being held on.

206 REP. EDMUNSON: There is no mention of specific activity, is there anywhere that this is limited to for profit?

223 JULIE DOW: Not that I am aware of.

REP. NORRIS: Does that address the issue of size when we talk about mass gatherings?

233 REP. EDMUNSON: Reads definition in bill.

REP. ROBERTS: Does that mean you could have three separate eight hour sessions, would that qualify?

REP. EDMUNSON: 24 consecutive hours.

CHAIR HAYDEN: We will set this aside for now.

HB 2221 - WORK SESSION

260 JANET ADKINS: Describes bill; submits -3 amendments (EXHIBIT I), fiscal analysis (EXHIBIT J), electronically engrossed bill (EXHIBIT K).

287 REP. ROBERTS: If you don't want your name on there you have to pay an additional cost?

JANET ADKINS: No.

MOTION: REP. WYLIE MOVES THE -3 AMENDMENTS

HEARING NO OBJECTION - SO ORDERED

MOTION: REP. WYLIE MOVES THAT HB 2221 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. ALL MEMBERS VOTING AYE.

MEMBER EXCUSED: REP. PARKS

SB 265 - WORK SESSION

TAPE 40, SIDE B

004 JANET ADKINS: Describes bill; submits fiscal analysis (EXHIBIT L), staff measure summary (EXHIBIT M).

017 MOTION: REP. NORRIS MOVES THAT SB 265 BE SENT TO REVENUE COMMITTEE WITH A DO PASS RECOMMENDATION

REP. WYLIE: Was there a policy decision that we should not charge more than it costs? What was driving this bill?

REP. NORRIS: Fees are supposed to be based on the cost of providing that service.

029 REP. WYLIE: I do not think that the fee is excessive.

043 JOAN PLANK, DMV: What we are trying to do here is make things consistent.

REP. ROBERTS: They cannot charge more than it costs to provide the service.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. ALL MEMBERS VOTING AYE.

MEMBER EXCUSED: REP. PARKS

HB 3383 - WORK SESSION

JANET ADKINS: Describes bill; submits revenue analysis (EXHIBIT N), staff measure summary (EXHIBIT O), -2 amendments (EXHIBIT P).

REP. EDMUNSON AND JANET ADKINS CONTINUE DISCUSSION ON SYSTEMS DEVELOPMENT CHARGE

REP. EDMUNSON: Does HB 3383 change the category of property subject to systems development charges?

176 JON CHANDLER, COMMON GROUND: We are clarifying what hoops local government must do to impose systems development charges.

REP. HOSTICKA: Is the cost of jumping through the hoops, a recoverable cost?

CHANDLER: Yes.

208 REP. EDMUNSON: Would systems development charges include the reasonable necessary costs of conducting hearings, etc.?

CHANDLER: The internal costs are part of the package that they can charge for.

225 MOTION: REP. EDMUNSON MOVES -2 AMENDMENTS HEARING NO OBJECTION -

SO ORDERED

MOTION: REP. EDMUNSON MOVES HB 3383 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. ALL MEMBERS VOTING AYE.

MEMBER EXCUSED: REP. PARKS. REP. WYLIE WILL CARRY

SB 1114 - PUBLIC HEARING

(EXHIBIT Q) - SENATE STAFF MEASURE SUMMARY, submitted by staff

306 KEN BEESON, EWEB: Testifies in support; (see EXHIBIT S)
EWEB is presently working on planning and development of a variety of new

resources for electric generation including conservation, co-generation, geothermal etc.

REP. ROBERTS: We are simply taking the law today and adding Colorado and Wyoming correct?

BEESON: Correct.

338 CHAIR HAYDEN: Why is a law necessary?

TOM O'CONNOR, EWEB: Testifies in support: submits written testimony (EXHIBIT S).

REP. NORRIS: The driving force would be the cities and the private investor owned utilities, for example, it could only be involved if they were jointly involved with the city is that correct?

O'CONNOR: The statute does not spell out what the relationship would be.

400 REP. NORRIS: It would enhance the authority of municipal utility but would in no way circumscribe what private utilities can do if they are

interstate?

406 JIM ANDERSON, PACIFIC CORP: Testifies in support; submits written testimony (EXHIBIT R).

SB 1114 - WORK SESSION

MOTION: REP. ROBERTS MOVES THAT SB 1114 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. ALL MEMBERS VOTING AYE.

MEMBER EXCUSED: REP. PARKS. REP. EDMUNSON WILL CARRY.

SB 1055 - PUBLIC HEARING

TAPE 41, SIDE B

(EXHIBIT T) - SENATE STAFF MEASURE SUMMARY, submitted by staff (EXHIBIT U) - FISCAL ANALYSIS, submitted by staff

JOHN BRENNEMAN, OREGON SKI ASSOCIATION: Testifies in support; - people can only buy one day passes or full season, this gives a third option.

052 REP. EDMUNSON: What do people do now?

BRENNEMAN: For a weekend they must buy three one day and attach them all to the vehicle, or buy the full season pass.

058 KEITH PETRY, EXECUTIVE DIR, OR SKI ASSOC.: Testifies in support; - convenience is the issue.

REP. EDMUNSON: It seems like a trivial amount when you consider the cost of lift tickets, etc.

REP. MILNE: One permit would be more user friendly; this is a good bill.

087 BRENNEMAN: Would like emergency clause added.

SB 1055 - WORK SESSION

MOTION: REP. ROBERTS MOVES FOR THE EMERGENCY CLAUSE BE ADDED

HEARING NO OBJECTION - SO ORDERED

108 MOTION: REP. ROBERTS MOVES THAT SB 1055 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. REP. EDMUNSON VOTING NO.

MEMBER EXCUSED: REP. PARKS. CHAIR HAYDEN WILL CARRY

REP. HOSTICKA: Requests fiscal impact statement.

HB 3490 - PUBLIC HEARING

JANET ADKINS: Describes bill; submits -1 amendments (EXHIBIT V).

157 REP. BAKER: Asks question on definition of bill.

FRED NEIL, INTERGOVERNMENTAL RELATIONS: Explains bill.

217 REP. BAKER: If there are no standards, then this is a useless act.

REP. ROBERTS: Does this mean that the chair and the vice-chair cannot act unless the assessor signs off on this?

237 NEIL: Currently they can. The assessor is simply looking at it to make sure that they can take those subdivision lots and translate them into

tax parcel descriptions and enter them on the tax roles.

267 REP. NORRIS: My recollection is that the statute re: subdivision are long and complex, and I think this is one tiny bit of it and I think the standards are pretty well covered in this body, on what is required in

an approved subdivision.

REP. MILNE: There have been a number of procedures that have already been accomplished and this is just prior to the subdivision being recorded.

REP. EDMUNSON: Would Multnomah County object if this entire line (beg. with all subdivision plats and ending with before recording) were just deleted?

NEIL: I heard no recommendations for removal of passing the subdivision plat passed the assessor and the county governing body. I think if you took this language out altogether you would raise some concerns by the county surveyors.

330 REP. WYLIE: Without compelling reason to keep the language in, I would be willing to take it out.

REP. NORRIS: I believe that the county assessor has every right to know about it, maybe instead of approving we should say "all subdivision plats must also be acknowledged by the county assessor and the chair person" so at least they know it is happening.

REP. ROBERTS: As I understand it right now it has to be the total majority of the governing body of the county, and we are taking out one step. The grunt work has been done before the chair sees the finished product.

353 NEIL: That's correct, keep in mind that this sentence also has the county assessor looking at it and I don't believe there has been a role by the county assessor prior this point in time.

REP. ROBERTS: I like the idea of somebody who is an elected official signing off on it.

NEIL: Refers to -1 amendment.

HB 3490 - WORK SESSION

REP. EDMUNSON: Is there support in the committee for removing this sign-off section and streamline this process, I would take out the

sentence in which the amendment is offered.

CHAIR HAYDEN: Discusses changes for amendments.

REP. BAKER: This creates a chance for political mischief.

REP. NORRIS: Discusses changes in amendments.

REP. HOSITCKA: I want to speak in favor of the original motion.

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033 CHAIR HAYDEN: Discusses changes in amendments.

REP. WYLIE: I would only be comfortable making changes in this if there was time to get back to people.

REP. ROBERTS: I will oppose this bill.

REP. EDMUNSON: Comfortable with -1 amendments.

REP. NORRIS: I have no burning passion that we replace those words.

MOTION: REP. EDMUNSON MOVES THE -1 AMENDMENTS

HEARING NO OBJECTION - SO ORDERED

MOTION: REP. WYLIE MOVES THAT HB 3490 BE SENT TO THE FLOOR WITH DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS VOTING NO: REP.

BAKER. MEMBER EXCUSED: REP. PARKS. REP. WYLIE WILL CARRY.

ADJOURNED

Submitted by:

Reviewed by:

Amy Jahnke
Administrator

Janet Adkins Assistant

EXHIBIT LOG A - SB 779 STAFF MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 B
- SB 779 SENATE STAFF MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 C - HB
3313 STAFF MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 D - HB 3313 -2
AMENDMENTS, SUBMITTED BY STAFF PP 1 E - SB 7 STAFF MEASURE SUMMARY,
SUBMITTED BY STAFF PP 1 F - HB 2910 HAND-ENGROSSED BILL, SUBMITTED BY
STAFF PP 2 G - HB 2910 STAFF MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 H
- HB 2910 -1 AMENDMENTS, SUBMITTED BY STAFF PP 1 I - HB 2221 -3
AMENDMENTS, SUBMITTED BY STAFF PP 2 J - HB 2221 FISCAL ANALYSIS,
SUBMITTED BY STAFF PP 1 K - HB 2221 ELECTRONICALLY ENGROSSED BILL,
SUBMITTED BY STAFF PP 3 L - SB 265 FISCAL ANALYSIS, SUBMITTED BY STAFF
PP 1 M - SB 265 SENATE STAFF MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 N
- HB 3383 REVENUE ANALYSIS, SUBMITTED BY STAFF PP 1 O - HB 3383 STAFF
MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 P - HB 3383 -2 AMENDMENTS,

SUBMITTED BY STAFF PP 5 Q - SB 1114 SENATE AGRICULTURE AND REASOURCES
COMMITTEE STAFF MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 R - SB 1114
TESTIMONY FROM PACIFICORP, SUBMITTED BY JIM ANDERSON PP 1 S - SB 1114
TESTIMONY FROM EWEB, SUBMITTED BY TOM O'CONNOR PP 1 T - SB 1055 SENATE
STAFF MEASURE SUMMARY, SUBMITTED BY STAFF PP 1 U - SB 1055 FISCAL
ANALYSIS, SUBMITTED BY STAFF PP 1 V - HB 3490 -1 AMENDMENTS, SUBMITTED
BY STAFF PP 1