

SENATE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS , . ,. July 19, 1993 Hearing Room 170 8:00 a.m. Tapes 184 - 185 MEMBERS PRESENT: Sen. Tricia Smith, Chair Sen. Karsten Rasmussen, Vice-Chair Sen. Dick Springer Sen. Brady Adams Sen. Wes Cooley VISITING MEMBER: Rep. Kevin Mannix, District 32 STAFF PRESENT: Joan Van Almen, Committee Counsel Stephanie Holmes, Committee Research Pamela Stefani, Committee Coordinator Jeffrey Boles, Committee Clerk MEASURES CONSIDERED: Public Hearing and Possible Work Session on HB 2355, HB 3045, and HB 3680.

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 184, SIDE A

006 CHAIR SMITH: Opens the meeting at 8:15 a.m.

PUBLIC HEARING ON HB 3680-A Allows certain employees of school districts who are transferred to employment with nonprofit corporation engaged in providing health care to remain members of Public Employees' Retirement System

WITNESSES: Bob Andrews, PERS Elizabeth Harchenko, Dept. of Justice

010 BOB ANDREWS, PERS: Gives testimony in support of HB 3680-A.
050 CHAIR SMITH: Why do you have to have a change in the law to specifically require employers to do this? 055 ELIZABETH HARCHENKO, DEPT. OF JUSTICE: Responds. 065 SEN. ADAMS: What are the consequences if we don't do this? Senate Labor and Government Operations July 19, 1993 - Page 2

070 HARCHENKO: Responds. 090 SEN. COOLEY: If you find that we're paying some PERS employees over the allotted amount by the IRS, how are you going to change that around? 095 HARCHENKO: Responds. 110 SEN. COOLEY: Do you have any idea if we're looking at a potential problem?
125 HARCHENKO: Responds. 140 SEN. COOLEY: Clarifies intent of bill. 145 HARCHENKO: Continues response.

WORK SESSION ON HB 3680-A

MOTION: CHAIR SMITH: Moves to ADOPT the HB 3680-A4 AMENDMENTS.

SEN. SPRINGER: States concerns about HB 3680-A

SEN COOLEY: State concerns about HB 3600-A.

VOTE: In a roll call vote, all members present vote NAY, except Sen. Springer and Chair Smith who vote AYE.

CHAIR SMITH: The motion FAILS.

MOTION: SEN. ADAMS: Moves HB 3680-A to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE, except Sen. Springer and Chair Smith who vote NAY.

CHAIR SMITH: The motion CARRIES.

SEN. COOLEY will lead discussion on the Floor.

PUBLIC HEARING ON HB 3045-A Allows city or county to enter into development agreement with person having interest in real property for development of that property.

WITNESSES: Jon Chandler, Common Ground Phil Fell, League of Oregon Cities

315 JON CHANDLER, COMMON GROUND: Gives testimony in support of HB 3045-A6 amendments (EXHIBIT A) - These materials 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. Senate Labor and Government Operations July 19, 1993 - Page 3

380 CHAIR SMITH: Are you aware of any governments that are successful in planning and envisioning ten years out? How can local governments look ten years down the road with specific plans?

405 CHANDLER: Responds.

TAPE 185, SIDE A

015 CHAIR SMITH: Should city councils be sympathetic to local developers and is there an out? 030 PHIL FELL, LEAGUE OF OREGON CITIES: Responds. 050 CHANDLER: Responds. Continues overview of -A6 amendments. 070 SEN. COOLEY: Does that say only county lands? 075 CHANDLER: Responds. Continues overview of -A6 amendments. 095 CHAIR SMITH: How does the city enter into a development agreement? 100 FELL: Responds. 105 CHANDLER: Continues overview of -A6 amendments. 115 CHAIR SMITH: If this agreement changes the comprehensive plan, do they have to go to a secondary hearing process to modify the comprehensive plan or can they modify it within this development agreement under this bill? 125 FELL: Responds. 130 CHANDLER: Responds. Continues overview of -A6 amendments. 135 FELL: Gives overview of -A6 amendments. 175 CHAIR SMITH: If the state comes along behind you two years into your agreement and changes the systems development charges laws and says that the developers have to pay a system development charge for a street lights and that's not provided in this development agreement, what happens? 180 CHANDLER: Responds. 195 CHAIR SMITH: Asks for clarification. 200 FELL: Responds. 210 CHANDLER: Continues overview of -A6 amendments.

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SEN. SPRINGER: If a group of citizens objected to this agreement, would this be appealable to LUBA as a land use decision?

CHANDLER: Responds.

SEN. SPRINGER: We understand that, but I think it would be helpful to put that in the actual legislation.

CHAIR SMITH: Sub. 2 Sect. 2, line 4. page 2 requires a city to approve the development agreement by ordinance, which would require a series of public hearings. Your suggestion is to add language that indicates these decisions are appealable through LUBA or the Court of Appeals?

SEN. SPRINGER: Just through the normal process.

CHANDLER: Simply state in that section 2 or section 3, that it is a land use action, which brings with it the those things that Sen. Springer is concerned with.

FELL: Responds.

CHAIR SMITH: Sen. Springer, in that sub-section you are suggesting a sentence indicating that development agreements shall be considered land use actions and in accordance with the ordinance, for appeal rights into LUBA and the courts.'

MOTION: CHAIR SMITH: Moves to ADOPT HB 3045-A6 amendments.

VOTE: CHAIR SMITH: Hearing no objections, the motion CARRIES.

MOTION: SEN. SPRINGER: Moves conceptual amendment at the end of sub.2, sect.2, page 2 - 'the development agreements are land use decisions subject to the same requirements as provided in existing statutes as it relates to appeal hearings.' VOTE: CHAIR SMITH: Hearing no objection, the motion CARRIES. MOTION: CHAIR SMITH: Moves HB 3045-A AS AMENDED to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE.

CHAIR SMITH: The motion CARRIES.

CHAIR SMITH will lead discussion on the Floor.

PUBLIC HEARING ON HB 2355-A Allows certain employees of school districts who are transferred to employment with nonprofit

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corporation engaged in providing health care to remain members of Public Employes' Retirement System.

WITNESSES: Rep. Kevin Mannix, District 32 Chris Davie, SAIF

310 REP. KEVIN MANNIX, DISTRICT 32: Gives testimony in support of HB 235 5-A.

375 SEN. RASMUSSEN: What happens if the third-party settlement is small and the lien is big?

385 REP. MANNIX: Responds.

TAPE 184, SIDE B

010 CHRIS DAVIE, SAIF: -Submits and summarizes written testimony in support of HB 2355-A. (EXHIBIT B) 030 SEN. RASMUSSEN: Clarifies intent of HB 2355-A. 040 DAVIE: Responds. 045 SEN. RASMUSSEN:

Clarifies intent of HB 2355-A. 070 SEN. COOLEY: What would cause the carrier to deny the claim when there is a third-party liability set up?
080 SEN. RASMUSSEN: Responds. 090 DAVIE: Responds. 095 SEN. COOLEY: Responds.

100 SEN. RASMUSSEN: Does it make any sense to treat claims for which a carrier is unaware, differently than claims for which there is a denial pending?

105 REP. MANNIX: Responds. 140 SEN. RASMUSSEN: In the a case of denial, do you think this is opening any door to us allowing a comp carrier to come back in and say 'we don't think the personal injury settlement is adequate'? 150 REP. MANNIX: Responds.

WORK SESSION ON HB 2355-A

MOTION: VICE-CHAIR RASMUSSEN: Moves HB 2355-A to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote all members present vote AYE. - 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. Senate Labor and Government Operations July 19,1993 - Page 6

Chair Smith is excused. VICE-CHAIR RASMUSSEN: The motion CARRIES.

VICE-CHAIR RASMUSSEN will lead discussion on the Floor.

VICE-CHAIR RASMUSSEN: Adjourns the meeting at 9:25 a.m.

Submitted by: Reviewed by:

Jeffrey Boles
Committee Coordinator

Pamela Stefani Committee Clerk

EXHIBIT LOG:

A - Amendments to HB 3045 - Staff - 2 pages B - Testimony on HB 2355 - C. Davie - 2 pages

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