

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING ITEMS) RESOLUTION NO.93-1782A
TO METRO'S LEGISLATIVE AGENDA)
) Introduced by Governmental
) Affairs Committee

WHEREAS, The Metro Council adopted Resolution No. 93-1761 on February 25, 1993, For The Purpose of Identifying Legislative Issues for Support, Opposition, and Monitoring in the 1993 Legislative Session; and

WHEREAS, Additional issues have arisen in the Legislature which have potential effects on Metro; and

WHEREAS, The Governmental Affairs Committee has reviewed the bills included in this resolution, and recommends they be added to Metro's legislative agenda; now, therefore,

BE IT RESOLVED,

That the Metro Council:

1. Endorses the legislative bills listed in Exhibit A, and directs that they receive Metro's active support.
2. Opposes the legislative bills listed in Exhibit B, and directs that they receive Metro's active opposition.
3. Identifies the legislative bills listed in Exhibit C as those to be monitored by Metro staff.

ADOPTED by the Metro Council this 25th day of March, 1993.


Judy Wyers, Presiding Officer

EXHIBIT A

1993 Legislative Bills for Metro Support

House Bills

- HB 2955 Requires DEQ to make information about household hazardous materials available to retailers; requires retailers to display designated shelf signs in immediate vicinity of household hazardous products.
- HB 2967 Revising regulations on licensing of construction site cleanup contractors. (Effect on Metro: will improve recordkeeping of construction site debris and its disposal.)
- HB 3299 Authorizes transportation congestion pricing pilot program managed by Metro.

Senate Bill

- SB 425 Establishes vehicle emission fee in Portland metropolitan area and directs EQC to establish fee schedule; directs funds to finance projects to reduce air pollution resulting from motor vehicle emissions.

EXHIBIT B

1993 Legislative Bills for Metro Opposition

House Bills

- HB 2662 Prohibits DEQ and EQC from enforcing requirements or imposing fees that are more stringent than federal laws.
- HB 2716 Prohibits adoption of any rule by any state agency that is more stringent than federal requirement, with some exceptions.
- HB 2883 Establishes permanent moratorium on real estate transfer tax; applies to both state and local governments.
- HB 2914 Requires housing cost impact statement by certain state agencies, and local governments (including Metro) when adopting land-use rules or ordinances.
- HB 2926 Provides for election of LCDC Commissioners from congressional districts.
- HB 3100 Preempts new or increased taxes on transient lodging (i.e., hotel/motel), unless proceeds used for tourism.
- HB 3110 Requires used diapers, sanitary napkins, tampons, and condoms to be disposed of as infectious waste.
- HB 3229 Abolishes local government boundary commissions.

Senate Bill

- SB 1004 Prohibits Metro from charging tier one disposal fee for petroleum contaminated soils at facilities Metro does not own or operate.

EXHIBIT C

1993 Legislative Bills for Metro to Monitor

Monitor with possible support

HB 2422 Imposes \$2 per tire fee on studded tires, authorizes distribution of proceeds for highway repairs.

Monitor with possible opposition

HB 2898 Establishes statewide 1% transient lodging tax in addition to local taxes; proceeds for state parks.

Monitor with no position

- House Bills

HB 2336 Establishes minor prohibition against release of certain information in certain cases.

HB 2844 Requires PERS members to pay half their PERS contributions; prohibits employers from "picking up" employee contributions; establishes requirements for new PERS members.

HB 2913 Directs State Forestry Department to work with local governments and non-profit agencies to develop "urban forests," to be funded by grants, donations, bequests. No state or local funding.

HB 3214 Requires governing board or public bodies to provide citizen comment period during all board meetings.

HB 3385 Allows City of Portland to authorize owner of arena constructed adjacent to Memorial Coliseum to operate Memorial Coliseum, to set event prices jointly at arena and coliseum and to decline to accommodate events at arena or coliseum. Declares emergency, effective upon passage.

- Senate Bills

SB 42 Makes corrections in ORS Chapter 459, pertaining to solid waste and recycling laws.

SB 86 Allows DEQ to increase fees to recover costs of implementing provisions of Federal Clean Air Act from all sources subject to regulation under the act.

SB 125 Establishes grant and loan program to assist municipalities in acquiring or rehabilitating community facilities.

SB 500 Major revision of Public Records Law.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 93-1782, ADDING ITEMS TO METRO'S LEGISLATIVE AGENDA

Date: March 23, 1993

Presented by: Councilor Hansen

COMMITTEE RECOMMENDATION: At its March 18, 1993 meeting the Governmental Affairs Committee voted 5-0 to recommend Council adoption of Resolution No. 93-1782. All committee members were present and voting.

COMMITTEE DISCUSSION/ISSUES: Burton Weast of Western Advocates reported to the committee that he needed direction on a number of bills likely to have hearings in the legislature in the near future. He reviewed the bills with the committee, which established preliminary positions on each bill by consensus. Following the full review, the committee approved Councilor Hansen's motion to direct staff to draft a resolution, for Council consideration at its March 25 meeting, which would incorporate the committee's recommendations as additions to Metro's legislative package.

Mr. Weast discussed the following bills with the committee (all positions were adopted by consensus except where otherwise noted):

HB 2336 - Monitor

Prohibits public body from releasing certain private information (social security number, mother's maiden name, etc.). Developed as a result of interim task force that made recommendations on operations of Motor Vehicles Division.

HB 2422 - Monitor/possible support

Imposes \$2 per tire fee on studded tires, distributes proceeds to state, cities, and counties for highway repair. It is part of the Transportation '93 package. The committee chose the "monitor/support" category because it's part of the overall transportation package but is not of direct benefit to Metro.

HB 2662 - Oppose

Prohibits DEQ and EQC from imposing fees or regulations that are more stringent than federal standards. Mr. Weast said a compromise was being worked on, in case this bill looks to be headed toward passage, to allow regulations/fees to be more stringent if an impact statement is written.

HB 2716 - Oppose

Prohibits any state agency from imposing fees or regulations that are more stringent than federal.

HB 2844 - Monitor

Requires PERS members to pay one-half of their PERS contributions. This is an effort to reduce cost of government and limit growth of public employee benefits. Local governments oppose

this bill, arguing that the amount of PERS contributions should be a matter for local governments to decide; public employee unions also oppose the bill. Councilor Gates said he supports the direction this legislation is taking, to cut costs. Councilor Moore said we should just monitor the bill. Councilors Hansen and Gardner said they would prefer a monitor/oppose position. The committee decided to just monitor the bill, with the opportunity to review the position at a later date if necessary.

HB 2883 - Oppose

Makes permanent the existing moratorium on locally-imposed real estate transfer taxes. Mr. Weast said opposition to this bill is growing, and from various sectors including the Homebuilders.

HB 2898 - Monitor/possible opposition

Imposes 1% statewide transient lodging tax, to be dedicated to state parks. Noel Klein said this could have a possible impact on Metro's ability to levy a region-wide hotel/motel tax. Mr. Weast said this tax should be considered as part of the total tax package. Metro staff recommended a position of monitor/oppose, and the committee concurred.

HB 2913 - Monitor

Directs State Forestry Department to work with local governments and others (including Metro) to develop urban forests. To be funded with grants and donations; no state funding is requested. Councilors Hansen and Moore asked why a law is needed to do this - why not just do it? Mr. Weast replied that the bill is not the idea of the Forestry Department, and sponsors want this bill in order to give legislative direction to the department. He added that the bill's relating clause is very broad, so the bill should be monitored in case it is rewritten.

HB 2914 - Oppose

Requires certain state agencies and local governments (including Metro) to prepare housing cost impact statements when adopting land use rules or ordinances. Mr. Weast said a similar bill was considered last session, and Metro opposed it. It would have an impact on Metro in requiring a statement of the effect on costs of developing a 6000 square foot lot, whenever the Council adopted an Urban Growth Boundary adjustment. Councilor Moore questioned whether local governments would be able to do what the bill requires.

HB 2926 - Oppose

Requires LCDC commissioners to be elected from congressional districts.

HB 2955 - Support

Requires DEQ to make information about household hazardous products available to retailers; specifies that retailers must make this information available to consumers, including shelf signs in the store. Solid Waste staff said it could reduce household hazardous waste disposal in the landfill and increase use of

Metro's HHW facilities. Councilor Gates said it would also likely reduce consumption of these products. Councilor Moore said she would like to see the bill ease the burden on retailers; Councilor Gates responded that they will be able to get assistance from the manufacturers, in return for providing shelf space. Mr. Weast said there would be considerable opposition from retail interests.

HB 2967 - Support

Requires cities and counties to allow construction site cleanup contractor to haul away debris. Mr. Weast provided considerable background to this bill, which centers on a dispute between franchised garbage haulers and the homebuilders regarding who has authority to haul construction debris. Metro's interest in this bill is limited to facilitating the recycling of building material, including improvements to the system of tracking the refuse and recyclables. The bill would provide for improvements to the recordkeeping system, and could help improve recycling. Mr. Weast said he will participate in a work group to refine this bill, with assistance from Solid Waste, to get Metro's interests in recycling and recordkeeping included in it.

HB 3100 - Oppose

Preempts any increases in hotel/motel tax unless dedicated to promoting tourism.

HB 3110 - Oppose

Requires used diapers, tampons, sanitary napkins, and condoms to be treated as "infectious waste." This would increase Metro's monitoring burden to ensure this material doesn't reach the landfill; Solid Waste estimates a \$250,000 annual fiscal impact.

HB 3214 - Monitor

Requires governing board of public bodies to provide citizen comment period during all board meetings. This came up in response to a controversy at the Rockwood Public Utility District; would have very little effect on Metro because the Council already provides for citizen comment.

HB 3229 - Oppose

Would abolish Portland area and Lane County boundary commissions. Mr. Weast pointed out that the Metro Charter requires Metro to examine the boundary commission by 1995 and implement the recommendations that come from that study.

HB 3299 - Support

Authorizes congestion pricing pilot program managed by Metro. Councilors Moore and Hansen asked why a law is needed to do this. Mr. Weast said the bill would make it very clear that Metro has the authority to do the pilot project, and avoid potential lawsuits. Councilor Gates said he opposes this bill; the rest of the committee supports it.

HB 3385 - Oppose unless amended

Authorizes Oregon Arena Corporation to set arena prices at new

arena and Memorial Coliseum; declares emergency, effective upon passage. The bill was introduced at the request of the City of Portland and Oregon Arena Corporation. Committee staff Casey Short said the bill would not affect Metro if it became effective after June 30, 1993, when management of the Coliseum returns to the City of Portland, but it should be amended to have an effective date that would not give Oregon Arena Corporation any authority over the Coliseum while Metro operates it through MERC.

SB 42 - Monitor

Comprehensive housekeeping bill to clean up outdated language in ORS Chapter 459, dealing with Solid Waste. Staff recommends monitoring the bill. In response to a request from Councilor Wyers, Mr. Weast explained that the bill is intended only as housekeeping, and is not to address any changes in policy.

SB 86 - Monitor

Allows DEQ to recover costs of implementing provisions of Federal Clean Air Act. Mr. Weast said this bill is unlikely to pass without significant amendments, and Metro should monitor the bill to see if such an amended bill is forthcoming.

SB 125 - Monitor

Allows lottery money and public works fund grants to be used by municipalities to acquire or rehabilitate community facilities for economic development; defines "community facilities." Mr. Weast said the bill is now structured to apply primarily to facilities in rural areas; it is on the monitor list in case it is broadened to have potential impact on Metro.

SB 425 - Support

Establishes vehicle emission fee in Portland metropolitan area and directs EQC to establish fee schedule; provides for funds to finance projects to reduce air pollution. This is Senator Cease's bill on vehicle emissions which is parallel to the Transportation '93 package; the Transportation '93 package is making little headway in the House, and Mr. Weast characterized this bill as Sen. Cease's effort to get this issue on the table for discussion.

SB 500 - Monitor

This is Secretary of State Keisling's comprehensive public records law reform. Metro's issue is to preserve the current exemption for the Regional Land Information System (RLIS). The bill provides general areas for allowable exemptions, requiring the local government to determine exemptions in specific instances. The RLIS information is included in the allowable exemptions category, but is not specifically included as it is now. The committee discussed whether to take action to oppose the bill unless this specific exemption is included. They decided to monitor the bill, but still seek the specific exemption, based on Mr. Weast's characterization that the only practical effect would be that the Council would have to hold a hearing and adopt a finding that justifies the exemption.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: March 24, 1993
TO: Councilor Sandi Hansen
FROM: Casey Short *CS*
RE: HB 3385

I am addressing this memo to you because you are presenting the committee report at Thursday's Council meeting on Resolution #93-1782, Adding Items to Metro's Legislative Agenda.

House Bill 3385 would give the Oregon Arena Corporation authority to regulate event prices and schedules at the Memorial Coliseum as well as the Oregon Arena. You may recall that I raised an issue with this bill at the Governmental Affairs Committee meeting last week concerning the effective date of the legislation. My concern was that any effective date for this bill should be no sooner than July 1, 1993 because Metro will operate the Coliseum until then. The committee adopted a position of "Oppose unless amended" based on this concern.

I spoke with Mark Williams of the Office of General Counsel today about this bill, and asked him to review it and let me know what he thought about it. His opinion is attached, along with a copy of the bill. He advises that the bill does not appear to affect Metro's authority to continue to operate the Coliseum through the end of the fiscal year.

Given counsel's interpretation of the bill, you may want to offer an amendment to change the committee's recommendation to "monitor" rather than "oppose unless amended."

Please contact me if you have any questions. Thank you.

cc: Metro Councilors
Merrie Waylett




METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: March 24, 1993

To: Casey Short, Council Analyst

From: Mark B. Williams, Senior Assistant Counsel 

Regarding: House Bill 3385
Our file: 5.§3

Attached is a copy of HB 3385. Section 2 (3) of the bill gives the City of Portland state approval to give OAC "complete authority to operate the coliseum under a coliseum agreement." Section 2 (4) gives the City state sanction to "supervise the activities of [OAC] under the coliseum agreement." This includes the ability to approve, "under the coliseum agreement," "the prices charged for coliseum events," as well as other matters.

Note that all of the City's rights must be exercised "under the Coliseum agreement." Because the coliseum agreement does not provide for City/OAC control of the coliseum until July 1, 1993, I do not believe that the bill would allow for City interference in Metro ERC operation of the coliseum between now and July 1, 1993.

Please feel free to contact me if you have any further questions.

gl
1409

Attachment

COPY

House Bill 3385

Introduced and printed pursuant to House Rule 13.01 (at the request of Oregon Arena Corporation, City of Portland)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Allows City of Portland to authorize owner of arena constructed adjacent to Memorial Coliseum to operate Memorial Coliseum, to set event prices jointly at arena and coliseum and to decline to accommodate events at arena or coliseum. Requires supervision by City of Portland.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to municipal authorities; and declaring an emergency.

3 Be It Enacted by the People of the State of Oregon:

4 **SECTION 1.** Section 2 of this Act is added to and made a part of ORS 646.705 to 646.805.

5 **SECTION 2.** (1) As used in this section:

6 (a) "Affiliate" means an individual, or a corporation or other entity controlling, controlled by or under common control with the owner or operator of the arena. For purposes
7 of this subsection, the term "control" means ownership of more than than 50 percent of the
8 shares or other ownership interests in the owner or operator of the arena or having man-
9 agement power over the affairs of the owner or operator of the arena.
10

11 (b) "Arena" means a multipurpose arena with a seating capacity of approximately 19,000
12 constructed or to be constructed on real property adjacent to the coliseum.

13 (c) "Coliseum" means the Memorial Coliseum in Portland.

14 (d) "Coliseum agreement" means an operating agreement, management agreement, lease
15 or any similar agreement between the City of Portland and any corporation, partnership,
16 limited partnership or individual who owns or operates the arena or any affiliate of the
17 owner or operator of the arena.

18 (2) The purpose of this legislation is to allow joint operation and management of the
19 arena and the coliseum, to avoid economic rivalry and preserve the financial viability of both
20 facilities.

21 (3) The City of Portland may give the owner or operator of the arena complete authority
22 to operate the coliseum under a coliseum agreement. Such authority shall include, without
23 limitation, the power to set event prices jointly for the coliseum and the arena, and to de-
24 cline to accommodate events at either the coliseum or the arena.

25 (4) The authority to supervise the activities of the owner or operator of the arena under
26 the coliseum agreement is delegated to the City of Portland. The City of Portland may re-
27 quire review and approval by the city annually or more frequently of certain practices under
28 the coliseum agreement, including without limitation the prices charged for coliseum events,
29 decisions as to event allocation between the coliseum and the arena and decisions to decline
30 to accommodate events at either the coliseum or the arena.

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.

1 **SECTION 3.** This Act being necessary for the immediate preservation of the public peace,
2 health and safety, an emergency is declared to exist, and this Act takes effect on its passage.
3

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