

**JOINT CONFERENCE COMMITTEE ON SB 86A**

July 7, 1999 Hearing Room E

3:00 p.m. Tape 1

**MEMBERS PRESENT: Sen. Veral Tarno, Chair**

**Sen. Neil Bryant**

**Rep. Jim Hill**

**Rep. Mike Lehman**

**Rep. Bob Montgomery**

**Sen. Thomas Wilde**

**MEMBER EXCUSED:**

**STAFF PRESENT: Ray Kelly, Administrator**

**Nancy Masee, Administrative Support**

**MEASURE HEARD: SB 86A Work Session**

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
<b>TAPE 1, A</b>		
065	Chair Tarno	Opens meeting at 3:10 P.M. Opens work session on SB 86A.
<b><u>SB 86A WORK SESSION</u></b>		
066	Ray Kelly	Committee Administrator. Summarizes 86A declares legislative intent for the Department of Transportation (ODOT) and local government to work

		collaboratively to achieve balance in transportation systems. Explains the ñA7 amendments ensure all parties work together without mandate on local government and allow a property owner to make a claim for relief through contested case proceedings when ODOT either closes an approach for which a permit had previously been granted or denies certain applications for approach permits.
096	Chair Tarno	Asks for discussion.
098	Sen. Bryant	Suggests a conceptual amendment to Section 1, line 5 after the explanation to add "and in certain circumstances to compensate landowners for loss of access." Emphasizes the need to add intent.
109	Rep. Montgomery	Disagrees with amending the ñA7 amendments since a work group agreed upon them previously.
115	Rep. Welsh	Comments he will not vote for the ñA7 amendments because SB 86 was previously agreed upon.
122	Sen. Bryant	Comments that he had not seen the ñA7 amendments before today.
129	Chair Tarno	States that ODOT agrees to the ñA7 amendments.
134	Sen. Bryant	Explains with the ñA7 amendments the court would view Section 1 as trying to determine legislative intent.
136	Al Lightner	ODOT. Right of Way Section.
137	Craig Greenley	ODOT. Transportation Development.
150	Chair Tarno	Asks what the impact of the ñA7 amendments would be.
151	Lightner	Explains the intent of the -A7 amendments was to introduce a process to determine the affect and impact of access on property. Comments that Sen. Bryant's proposal is too explicit and suggests compensation due may not be an appropriate remedy.
162	Chair Tarno	Asks if there are any more questions.
166	Rep. Montgomery	Asks if the Access Management Advisory Committee discusses controversial access.
170	Greenleaf	Explains the Access Management Advisory Committee works on developing new administrative rules to deal with access management questions.

183	Chair Tarno	Asks Sen. Bryant to withdraw his motion to amend the ñA7 amendment.
184	Sen. Bryant	Withdraws the motion to amend the ñA7 amendment. Explains to ODOT that under certain circumstances some kind of relief should be granted to property owners for loss of access.
204	Lightner	Explains the intent is not to co-mingle the issues of condemnation and access.
206	Sen. Bryant	Wants to clarify that going through condemnation, the property owner is not required to a file claim.
210	Lightner	Says the purpose of SB 86 is to create a process to allow access and an approach to the problem. One of the purposes was to try to avoid court procedures.
220	Sen. Bryant	Asks about litigation in condemnation.
225	Lightner	Emphasizes these are separate issues and that co-mingling condemnation and access has proved to be very cumbersome. SB 86A keeps them separate.
230	Sen. Bryant	Disagrees with Lightner.
232	Chair Tarno	Comments that Sen. Bryant's disagreement will be recorded and the issues he raises will be watched.
240	<b>Rep. Hill</b>	<b>MOTION: Moves to ADOPT SB 86A-7 amendments dated 7/7/99.</b>
241		<b>VOTE: 4-2</b> <b>AYE: 4 - Rep. Hill, Rep. Montgomery, Sen. Wilde, Sen. Tarno</b> <b>NAY: 2 - Sen. Bryant, Rep. Lehman</b>
242	<b>Chair Tarno</b>	<b>The motion Carries.</b>
243	<b>Rep. Hill</b>	<b>MOTION: Moves SB 86A to the floor with the recommendation that the Senate concur in House amendments dated 5/25/99 and that the bill be further amended by the -A7 amendments and be repassed.</b>
243		<b>VOTE: 5-1</b>

		<p><b>AYE: 5 - Rep. Hill, Rep. Lehman, Rep. Montgomery, Sen. Wilde, Sen. Tarno</b></p> <p><b>NAY: 1 - Sen. Bryant</b></p>
244	<b>Chair Tarno</b>	<p><b>The motion Carries.</b></p> <p><b>SEN. TARNO AND REP. MONTGOMERY will lead discussion on the floor.</b></p>
245	Chair Tarno	Closes work session and adjourns meeting at 3:20 p.m.

Submitted By, Reviewed By,

Nancy Masee, Ray Kelly,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ SB 86A, -A7 amendments, Staff, 2 pp**