

**HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS**

**July 18, 2005 Hearing Room 357**

**10:00 A.M. Tapes 37 - 38**

**MEMBERS PRESENT:           Rep. Rep. Wayne Krieger, Chair**

**Rep. Rep. Jeff Barker, Vice-Chair**

**Rep. Brian Boquist, Vice-Chair**

**Rep. Linda Flores**

**Rep. Greg Macpherson**

**GUEST MEMBER: Rep. Bill Garrard**

**STAFF PRESENT:           Patrick Brennan, Committee Administrator**

**Joe O'Leary, Counsel**

**Louann Rahmig, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**SB 1037B – Work Session**

**SB 591 – 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**

**TAPE 37, A**

003 Chair Krieger Calls the meeting to order at 10:07 a.m. and opens a work session on SB 1037B which establishes claim process and judicial review process for Ballot Measure 37 (2004) claims.

**SB 1037B – WORK SESSION**

007 Patrick Brennan Committee Administrator. Explains the -B19 amendments which provide for transferability of waivers (**EXHIBIT A**) and the -B20 amendments which would add county service districts to the list of cities and counties (**EXHIBIT B**).

017 Rep. Bill Garrard House District 56. Indicates that additional amendments are being drafted for SB 1037.

025 Jon Chandler Oregon Homebuilders Association. Discusses the -B20 amendments which close a loophole concerning county service districts. Adds this is only on a prospective basis – would not undo previous law.

047 Rep. Boquist Wonders if the –B19 and –B20 amendments are being worked into the future amendments or if they will stand on their own.

050 Rep. Garrard Replies that the –B19s are being worked into the new amendments, but is not sure about the –B20s.

062 Rep. Macpherson Notes additional time is needed to study the amendments.

063 Chair Krieger Indicates these amendments will not be moved today.

066 Sen. Charlie Ringo Senate District 17. Discusses issues that were seen as deficiencies in BM 37: 1) transferability and 2) special service districts. Refers to the legislation as it passed out of the House which is intended to be pretty neutral by helping cities and claimants. Submits a document prepared by the League of Oregon Cities (LOC) (**EXHIBIT C**).

124 Rep. Garrard Agrees that SB 1037 clarifies things, but only from the state, county and city perspective.

122 Sen. Ringo Acknowledges parts of SB 1037 which he feels are helpful to citizens.

140 Rep. Macpherson

Points out that the “tract of record” provision is not consistent with SB 1037 as it came from the Senate as a procedural bill.

- 153 Sen. Ringo Cites two reasons to include the “tract of record” provision: 1) frustration over the inability to build one house on their property and 2) it increases the political feasibility of the bill.
- 172 Rep. Macpherson Recognizes the importance of obtaining a broader consensus, but is concerned there isn’t substantive compromise on the other side.
- 196 Sen. Ringo Doesn’t dispute the claim (*a give me without a get*), but feels this is good policy for Oregon.
- 199 Rep. Garrard Responds to Rep. Macpherson’s concern by saying proponents of BM 37 feel the *give* is in the procedures and some of the amendments coming will illustrate that point. Refers to Lane Shetterly’s comments that LCDC (Land Conservation and Development) will support transferability with a cap. Asks Sen. Ringo’s opinion of that statement.
- 212 Sen. Ringo Does not know; indicates he would need to understand the details before forming an opinion.
- 218 Rep. Flores Asks if he has heard from people with concerns about the transferability issue.
- 225 Sen. Ringo Replies he has received an unbelievable amount of communication; cites one specific example.
- 236 Rep. Flores Comments that she has received an overwhelming amount of communications that the transferability issue must be addressed.
- 241 Sen. Ringo Thinks the voters expect a compensation mechanism.
- 248 Chair Krieger Closes the work session on SB 1037B and opens a work session on SB 591 relating to a pedestrian in a crosswalk.

### **SB 591 – WORK SESSION**

- 252 Joe O’Leary Counsel. Explains the -3 amendments (**EXHIBIT D**) which address the issues of:

- a pedestrian walking through a marked or unmarked crosswalk
- a pedestrian walking through signal or unsignalized crosswalk
- vehicles making turns into occupied crosswalks

Points out this also addresses the issue of defining the adjacent lane of travel when it comes to a parking strip or bike path. Compares this new language to the previous language in SB 492.

300	Rep. Macpherson	Clarifies that the -3 amendments (on page 2) resolve the status of a pedestrian in a bicycle lane or parking section.
319	O'Leary	Agrees with his interpretation of the amendments.
321	Rep, Macpherson	Wonders if the situation is different if the driver is making a turn.
324	O'Leary	Clarifies a driver waiting for a pedestrian at a signalized crosswalk must wait until the pedestrian is through the lane of travel plus six feet into the next lane before turning.
334	Rep. Macpherson	Indicates language he would be more comfortable supporting.
344	O'Leary	Explains that the -3 amendments collapse the parking strip and bike lane into one lane which includes the first lane of travel.
355	Rep. Macpherson	Asks the sponsor of the bill which version of the legislation he favors.
366	Sen. Floyd Prozanski	Senate District 4. Advocates the language in the current version with the -3 amendments.
381	Rep. Macpherson	Wants to make sure that everyone is in concurrence with the language.

**TAPE 38, A**

012	Sen. Prozanski	Concludes that the -3 amendments answer his concerns.
<b>019</b>	<b>Rep. Boquist</b>	<b>MOTION: Moves to ADOPT SB 591-3 amendments dated 7/15/05.</b>

**VOTE: 4-0-1**

**EXCUSED: 1 - Flores**

**021 Chair Krieger Hearing no objection, declares the motion CARRIED.**

**022 Rep. Boquist MOTION: Moves SB 591 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 4-0-1**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 1 - Flores**

**029 Chair Krieger The motion CARRIES.**

**REP. MACPHERSON will lead discussion on the floor.**

**031 Chair Krieger Closes the work session on SB 591 and adjourns the meeting at 10:35 a.m.**

### **EXHIBIT SUMMARY**

- A. SB 1037, -B19 amendments, staff, 1 p**
- B. SB 1037, -B20 amendments, staff, 1 p**
- C. SB 1037, LOC paper on Benefits to Claimant, State and Local Governments, Sen. Ringo, 1 p**
- D. SB 591, -3 amendments, staff, 3 pp**