

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

January 31, 1997 Hearing Room E

1:00 P.M. Tape 12

**MEMBERS PRESENT:**

Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Michael Fahey

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

Rep. Jim Welsh

**STAFF PRESENT:**

Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

**MEASURE/ISSUES HEARD:**

Informational Meeting

\* Oregon State Bar

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 12, A</b>		
004	Chair Lewis	Calls the meeting to order at 1:04 p.m.
007	Chair Lewis	Speaks of upcoming meetings.
012	Chair Lewis	Calls Bob Oleson from the Oregon State Bar.
<b><u>INFORMATIONAL MEETING - OREGON</u></b>		

<b>STATE BAR</b>		
021	Bob Oleson	Director of Public Affairs, Oregon State Bar.
032	Oleson	Explains law improvement activities of the Oregon State Bar <b>(EXHIBIT A)</b> .
035	Mike Robinson	Representative of the Real Estate and Land Use section of the Oregon State Bar.
038	Robinson	Speaks of the Land Use subcommittee which includes a broad spectrum of members.
046	Robinson	Explains that the subcommittee takes positions and makes recommendations on law improvement matters.
051	Chair Lewis	Asks why the Oregon State Bar brought particular bills forward.
056	Robinson	HB 2243 amends ORS Chapter 92, the partition and subdivision law, to exempt land divisions created by condemnation from the definition of partitioned land. Submits testimony for HB 2243 <b>(EXHIBIT B)</b> .
061	Chair Lewis	Asks if this bill proposes to solve a current problem.
064	Robinson	The author of the bill believes that with this bill, local governments won't have to go through a separate partition or subdivision process when land is condemned.
066	Rep. Fahey	Inquires if land use would have to be changed.
068	Robinson	Answers that land use would have to change if that was the plan, but if land is condemned it would be easier to partition or divide.
074	Chair Lewis	Calls for questions about HB 2243.
076	Dorothy Cofield	Author of HB 2244, which requires certificate of mailing to accompany a notice of adoption of amendment to a plan for land use regulation by local government. Submits testimony for HB 2244 <b>(EXHIBIT C)</b> .
085	Cofield	Controversy over date of mailings has occurred at the Department of Land Conservation and Development (DLCD) and the Land Use Board of Appeals (LUBA).
091	Cofield	The reason for the bill is to establish a way to define a mailing date to DLCD and/or LUBA.
105	Cofield	There is a provision included in the event a local government forgets the date of mailing form; that won't invalidate the whole notice.
111	Rep. Luke	The bill is written with the assumption that ordinary citizens can't work on these issues and papers without an

		attorney.
120	Cofield	Many citizens don't understand that when they throw away the envelope a notice comes in, that was the proof of mail date.
131	Rep. Luke	The land use system is not designed for ease of access to the average citizen.
137	Chair Lewis	Agrees with Rep. Luke's statement.
142	Chair Lewis	Calls for discussion of HB 2245.
144	Robinson	HB 2245 focuses on three forms of law improvement. Submits testimony for HB 2245 ( <b>EXHIBIT D</b> ).
147	Robinson	First, it places all provisions dealing with limited land use decisions into ORS 197.195.
164	Robinson	Second, it makes minor changes to ORS 197.763 adding "argument" to the substantive provisions.
167	Robinson	Third it eliminates redundancy in ORS 197.835 clarifying when a petitioner can raise new issues before LUBA.
173	Robinson	A missed amendment to HB 2245 would be to alter ORS 227.173 such that references to limited land use decisions would be removed from ORS 215.416 and ORS 227.173.
183	Chair Lewis	Calls for discussion of HB 2254.
192	Steve Haas	Representative of the Real Estate section of the Oregon State Bar subcommittees.
202	Haas	HB 2254 proposes to eliminate pre-sale restrictions on sale of partitioned or sub-divided parcels on non-residential lots. Submits testimony on HB 2254 ( <b>EXHIBIT E</b> ).
216	Rep. Luke	Asks if a seller can have access to money in escrow before final plans have been agreed upon.
220	Haas	Acknowledges that is the case.
222	Rep. Luke	Asks if the property can enter into escrow.
224	Haas	States that there would need to be a conditional sales agreement.
233	Rep. Luke	Asks if a party can enter into an escrow agreement with money used as a down payment upon condition of approval, and keep part of the money if they back out of the agreement.
238	Haas	If both parties agree, then it could happen.
251	Haas	The law is made to protect the consumer.
255	Rep. Luke	Asks again if parties can enter into escrow.
		The action would be legal under current law and under the

268	Haas	proposed law.
280	Chair Lewis	Asks for any other statements from the Oregon State Bar.
287	Chair Lewis	Adjourns the meeting at 1:26 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

**EXHIBIT SUMMARY**

**A - Oregon State Bar, organization overview, Bob Oleson, 3 pp.**

**B - HB 2243, Written testimony from the Oregon State Bar, Mike Robinson, 3 pp.**

**C - HB 2244, Written testimony from the Oregon State Bar, Dorothy Cofield, 3 pp.**

**D - HB 2245, Written testimony from the Oregon State Bar, Mike Robinson, 3 pp.**

**E - HB 2254, Written testimony from the Oregon State Bar, Steve Haas, 2 pp.**