

1997 CONFERENCE COMMITTEE ON HB 2605

July 2, 1997 Hearing Room 50

4:00 PM Tapes 2 - 3

MEMBERS PRESENT:

Rep. Bob Montgomery, Chair

Rep. Tim Josi

Rep. Larry Wells

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. Thomas Wilde

STAFF PRESENT:

Mark Volmert, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

HB 2605 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 2, A		
003	Chair Montgomery	Opens meeting at 4:00 PM, and opens work session on HB 2605. Says -11 and -12 amendments will be discussed at this meeting.
<u>HB 2605 WORK SESSION</u>		
009	Rep. Josi	Gives background on HB 2605. Says he and Sen. Fisher agreed to move this bill today with one of the mentioned amendments.
049	Rep. Josi	Describes question of whether language overturns cases that impose restrictions on uses at airports. Legislative Counsel says that it does. The -12 amendments deal with one court case. Supports the -11 amendments. Says the -11 amendments will fix both court cases. The -12 amendments limit court cases to circuit court judgments. The Land Use Board of

		Appeals (LUBA) case will be reversed if the -12 amendments are approved. In <u>Skydive v. Clackamas County</u> , the court ruled on parachute landing.
095	Chris Crean	Legislative Counsel. Gives explanation on court case points.
096	Sen. Fisher	Says the boundaries are limited to airport ownership or long-term lease. It does not include other areas.
100	Crean	Asks where he is speaking from on the amendments.
102	Sen. Fisher	Says from the -12 amendments, page 3, lines 10, 11, 12.
107	Crean	Speaks to Section 5 of the bill. The commission gets authority by rule to authorize activities within the boundaries of the airport.
123	Sen. Fisher	Says establishing the boundary is subject to long-term lease committed to airport uses.
131	Crean	Speaks to Section 3 directing local governments to include in maps where airport boundaries exist.
140	Rep. Josi	Speaks to LUBA decision on parachute landing. Describes Section 3 about local government and growth. Says the -12 amendment would mute LUBA's ruling in the <u>Skydive</u> case.
174	Crean	Describes cases where the Court of Appeals affirmed LUBA and the Circuit Court.
200	Chair Montgomery	Recesses at 4:20 PM, says there is a call of the House. Representatives have to leave.
210	Chair Montgomery	Reconvenes at 4:52 PM. Asks Rep. Josi if he is through explaining the -11 amendments.
232	Sen. Fisher	Asks former senator Rod Johnson to answer legalities in these areas.
238	Chair Montgomery	Says we are limited in time due to a call expected from the Senate.
244	Rod Johnson	Former senator, describes airports subject to section 3.2. Refers to Section 5(1), activities allowed within boundaries of airport. Talks about approach corridors. Says uses in section 5 allowed within airports and boundaries. Disagrees with Legislative Counsel's interpretation.
298	Sen. Fisher	Says the -11 amendment opens up the entire list of what has happened in land use issues and other court cases.
323	Johnson	Says the -11 amendment, Section 6, would apply to any land use decision rendered in an airport. The difference is that the -12 amendments will not affect lawsuits.
331	Rep. Josi	Asks Chris Crean about the allegations made by Mr. Johnson.
337	Crean	Says when land use planning laws are overturned, previous law applies. LUBA is not a court of competent jurisdiction. Land use decisions regarding airports would come from the Court of Appeals or Supreme Court decisions. Any decision of LUBA rendered prior to this act is not affected by the -11 amendments.
		Says the bill applies to uses, page 3, lines 22, 23, at an airport that existed

387	Johnson	in 1994. Secondly, the number of cases the -11 amendments apply to is not known.
TAPE 3, A		
012	Crean	Says two cases are known. There most likely are not many.
013	Sen. Fisher	Says that airports have not had any protection in the land use process.
025	Sen. Fisher	MOTION: Moves to ADOPT HB 2605-12 amendments dated 7/2/97.
		VOTE: 2-4 AYE: 2 - Sen. Ferrioli, Sen. Fisher NAY: 4 - Rep. Josi, Rep. Wells, Rep. Wilde, Chair Montgomery
030	Chair Montgomery	The motion Fails.
031	Rep. Josi	MOTION: Moves to ADOPT HB 2605-11 amendments dated 7/2/97.
		VOTE: 5-1 AYE: 5 - Sen. Ferrioli, Rep. Josi, Rep. Wells, Sen. Wilde, Chair Montgomery NAY: 1 - Sen. Fisher
036	Chair Montgomery	The motion Carries.
	Rep. Josi	MOTION: Moves HB 2605 to the floor with the recommendation that the Senate recede from Senate amendments dated 6/6/97 and that the A-engrossed bill, as amended by the B-11 amendments, dated July 2, be repassed.
		VOTE: 5-1 AYE: 5 - Sen. Ferrioli, Rep. Josi, Rep. Wells, Sen. Wilde, Chair Montgomery NAY: 1 - Sen. Fisher
037	Chair Montgomery	The motion Carries.
038	Sen. Fisher	Says he hopes there is an understanding that this is limited to two cases and nothing more.
041	Chair Montgomery	Says he does not know if he needs legal advice to do something like that. Says he will look to our legal counsel.
043	Crean	Says he thinks it is appropriate for the committee to issue a statement of intent. Says the committee cannot be more specific than that they believe this applies only to these two cases. Says he does not know that there are more out there.
050	Chair	Adjourns meeting at 5:35 PM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2605, -11 amendments, Staff, 10 pp

B - HB 2605, -12 amendments, Staff, 10 pp