

HOUSE COMMITTEE ON
GENERAL GOVERNMENT AND REGULATORY REFORM

Hearing Room
Tapes - 131

MEMBERS PRESENT:

Rep. Bob Tiernan, Chair
Rep. Mike Lehman, Vice-Chair
Rep. Bev Clarno
Rep. Jerry Grisham
Rep. Cedric Hayden
Rep. Bryan Johnston
Rep. Bill Markham
Rep. Lonnie Roberts
Rep. Barbara Ross
Rep. Charles Starr
Rep. Ken Strobeck
Rep. Sharon Wylie

STAFF PRESENT:

Greg Moore, Committee Counsel
Annetta Mullins, Committee Assistant

MEASURES HEARD:

SB 669 A - WORK SESSION
SB 588 A - WORK SESSION
SB 132 A - WORK SESSION
HB 3434 - WORK SESSION

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

004 CHAIR TIERNAN: Calls the meeting to order at 1:45 and opens the work session on SB 669.

SB 669 A - WORK SESSION

CHAIR TIERNAN: Advises the committee that SB 669 A had a fiscal impact and had a subsequent referral to Ways and Means. However, the committee passed the bill with an amendment that deleted the impact and therefore, it needs to be sent to the Floor with a request that the subsequent referral be rescinded.

018 MOTION: CHAIR TIERNAN moves that the rules be suspended for the purpose of reconsideration of the vote by which SB 669 A was passed by the committee.

020 VOTE: CHAIR TIERNAN, hearing no objection to the motion, declares the motion PASSED.

020 MOTION: CHAIR TIERNAN moves that the vote on SB 669 A be reconsidered and that the bill be referred to the Floor with a DO PASS RECOMMENDATION AND THAT THE SUBSEQUENT REFERRAL TO WAYS AND MEANS BE RESCINDED.

026 MOTION: In a roll call vote, all members present vote AYE. REPS. CLARNO, HAYDEN, MARKHAM AND ROBERTS ARE EXCUSED.

030 CHAIR TIERNAN: Declares the motion passed. Rep. Starr will lead discussion on the Floor.

033 CHAIR TIERNAN: Opens the public hearing on SB 132 A.

GREG MOORE, Committee Counsel: Reviews provisions of the bill. The Senate

Staff Measure Summary and Legislative Fiscal and Revenue statements are hereby made a part of these minutes (EXHIBIT A).

045 SHERRY PATTERSON, Oregon Earthquake Preparedness Network: Testifies in support of SB 132 A.
> moved from California and attends Oregon Seismic Safety Policy Advisory Commission meetings for three years, monitors Seismic Safety Commission minutes and legislation
> Oregon can learn a lot from what is working in California
> reviews work of Central United States Earthquake Consortium
> opposed to SB 132 because 1) the commission needs to have greater representation from the minority and the majority parties of the Oregon Senate and House of Representatives, 2) an attorney, because of liability, is needed on the committee, and 3) qualify the public member as being from

a recognized planning organization or neighborhood association with experience with seismic land use mitigation and seismic preparedness issues
> submits information on California law (EXHIBIT B)
> Metro is not sharing information with seminars they are putting on
> there is no one place in Oregon where one can find the millions of dollars that are pouring in on seismic risk issue
> James Bela was not able to attend today and submits his testimony (EXHIBIT C)

110 JOHN BEAULIEU, Deputy Director, Oregon Department of Geology and Mineral

Industries: Submits and summarizes a prepared statement in support of SB 132 A (EXHIBIT D).

134 CHAIR TIERNAN: Would you have a problem extending the provisions (page 1, line 27) to a faculty member in a private institution in higher education.

134 MR. BEAULIEU: I have no problem. The general idea was that there is a lot of earthquake related work being done in public education at the University of Oregon and Oregon State. They have had a communication problem with the state and if one of them could be on the commission it would be great. Would have no objection to extending it to the private institutions. The commission needs someone involved in seismic research in

Oregon.

154 REP. GRISHAM: Is there anything that prohibits all the proposed additional representatives from attending the public meetings?

149 MR. BEAULIEU: No. There is something that prohibits their voting and participating actively in on-going discussions.

159 CHAIR TIERNAN: Would anyone object to deleting "State System of Higher Education" and insert "higher education" to allow anyone who is qualified to be a member?

159 REP. GRISHAM: I would like to eliminate the bill. It is a waste of time and effort. It is simply expanding something from seven to nine. We are asking Metropolitan Service District, while they are already spending millions of dollars, to become a member of this when they can simply testify.

177 REP. HAYDEN: Thinks there is some merit in suggestions and has great confidence the Department of Geology and Mineral Industries will do what is

necessary. But if we are going to keep the bill, we should add some geographical diversity to the membership.

180 REP. STARR: Would like to stay with the bill the way it is presented.

202 REP. GRISHAM: I would propose an amendment to include a member from each county in Oregon to make sure all citizens of Oregon have some input into the expenditures.

210 REP. LEHMAN: Asks if the membership could include two representatives from any county that has fault lines within their county.

210 REP. GRISHAM: I would consider that a friendly amendment.

REP. HAYDEN: I would further amend the motion to say that there should be one representative from each congressional district.

227 REP. STROBECK: We need to look at where the risk of earthquakes is and where the population is. It seems most of the groups are from up and down the Valley.

231 REP. WYLIE: Comments if Rep. Grisham wants to kill the bill he should move to table it. I think it is a good bill and the risk of earthquake damage and the lack of planning could be really devastating. I would prefer to vote the bill up or down without any amendments.

242 MOTION: REP. GRISHAM moves that SB 132 A be amended to include one representative from each county in Oregon and (Rep. Lehman's friendly amendment) to add two representatives from each county that has earthquake faults.

Statements submitted but not presented are hereby made a part of these minutes:

Memo from Mike Burton and Ruth McFarland, Metro (EXHIBIT E),
Prepared statement from Bill Cross, Government Affairs Representative,
Building Owners and Managers Association (EXHIBIT G).

267 CHAIR TIERNAN: Closes the work session on SB 132 A and encourages proponents of the bill to meet with members of the committee to reach a consensus.

281 CHAIR TIERNAN: Opens the work session on HB 3434

HB 3434 - WORK SESSION

The Preliminary Staff Measure Summary is hereby made a part of these minutes (EXHIBIT H).

296 MR. MOORE: Explains that the proposed HB 3434-1 amendments (EXHIBIT I) replace the bill and require a reimbursement, not a fine, of up to \$500 but

a person would only pay if the public body decided they wanted to collect it; it is not a mandatory situation. The public body could collect the amount only if the person did not exercise reasonable care.

276 REP. WYLIE: Advises that some words were left out of the amendments (EXHIBIT I) and that it can be taken care of on the Senate side. The intent was to make it clear in the amendments that it would apply to public and private land.

322 REP. WYLIE: Explains that Rep. Montgomery is very happy with the proposed amendments and the people who were objecting are much happier with the amendment than they were with the original bill. The intent of the original bill was to provide an incentive and a recoup of some of the costs of persons who are outrageously careless and cost local governments to save their lives.

380 REP. LEHMAN: How do they collect the \$500?

REP. WYLIE: It is assumed the local government would send the person a bill and if the person didn't pay, the local government would do the usual thing to collect a fine or debt.

404 REP. LEHMAN: This is not a fine and is therefore not an automatic amount and will necessitate the bringing of an action necessitating legal fees and court costs which will probably exceed the cost of recovering the \$500. The only ones who would pay the fee are those who step up and say "I was stupid and will give your \$500."

420 REP. HAYDEN: We want people to be able to travel the open areas and when they are in trouble, we want to go get them. It is not enough money to cover the cost of the search; it is an economic disincentive for people who get in this kind of situation. It doesn't cover the waters of the state--it is limited to dry land. Why aren't they included in this bill?

460 KEIL CHARLES DAVIS, 9 years old from Lake Oswego: Doesn't understand what would happen if he were lost.

481 REP. WYLIE: One of the concerns was searching for children. A minor would not be expected to do the things that would indicate "care and responsibility". If a child wanders away, this would not be invoked because he/she could not be expected to make decisions about weather, equipment, etc.

TAPE 131, A

048 MOTION: REP. WYLIE moves that the HB 3434-1 amendments BE ADOPTED.

056 REP. JOHNSTON: Comments that the issue in this bill is that we are saying for the first time there is some responsibility under certain circumstances. We could expand it but it is a step in the right direction.

061 REP. ROBERTS: Comments he feels the bill expresses the need for people to accept responsibility, but it reminds them they have a responsibility and if they don't accept responsibility there is a possible penalty they have to pay.

065 VOTE: CHAIR TIERNAN, hearing no objection to the motion, declares the motion PASSED. REP. CLARNO IS EXCUSED.

066 MOTION: REP. WYLIE moves that HB 3434, as amended, be sent to the Floor with a DO PASS RECOMMENDATION.

069 REP. LEHMAN: Comments he voted against the original bill and doesn't believe it is good enough to vote on yet. One concern is how they collect the money, another is there are new standards and third, we have the issue that people do get lost and don't report it early enough because they are afraid they will be fined.

087 VOTE: In a roll call vote, REPS. GRISHAM, HAYDEN, JOHNSTON, ROBERTS, ROSS, STARR, STROBECK, WYLIE AND CHAIR TIERNAN VOTE AYE. REP. LEHMAN VOTES NO. REP. CLARNO IS EXCUSED. MARKHAM,

092 CHAIR TIERNAN: Declares the motion PASSED. REPS. WYLIE AND MONTGOMERY will lead discussion on the Floor.

107 CHAIR TIERNAN: Opens the work session on SB 588 A.

109 MR. MOORE: Explains the provisions of SB 588 A. The Senate Staff Measure Summary and Legislative Fiscal and Revenue statements are hereby made a part of these minutes (EXHIBIT J).

125 CHAIR TIERNAN: Explains the committee has five amendments: SB 588-8, SB 588-9, SB 588 -10, SB 588-11 and SB 588-12 (EXHIBIT K), and an amendment proposed by Rep. Ross (EXHIBIT L).

144 BOB MINEN, Oregon Parks and Recreation Department and designated State Historic Preservation Officer: Testifies in support of SB 588 A.
> program does address the special assessment program which was the veto override considered by the House and the Senate
> The crux of the issue that caused SB 588 to be introduced is Legislative Counsel felt that because special assessment had sunset in between the time

it was passed last session and vetoed and sunset that this bill has to be passed to reinstate the special assessment program.
> did request a couple of technical amendments that cleaned up some of the timing issues because it got out of sequence.
> most questions and concerns have centered around an amendment, and was also a part of the focus on the veto, on the owner consent section (Section

20 of SB 588)

> the way the owner consent provision was originally written would limit the State Historic Preservation Officer's capability to help implement and manage the State Historic Preservation Program regarding the National Register of Historic Sites
> was successful in Senate in putting in amendments on page 10, subsection (2) b, c and d to allow implementation of the national register program and

retain it here in Oregon; it is designed to make Oregon eligible

> the Senate amendments were meant to meet the need to allow local option to allow the owner option in Section 20 to operate yet provide protection for National Registered sites that were both under consideration and nominated and on the register

> the SB 588-A10 would change the wording to take out the b, c. and d wording on page 10 and replace it; a one word change could be made on the -A10 amendments: in line 8, change the second "for" to "or" would meet the needs and would support the amendment

247 MR. MINEN: Again reviews the provisions of SB 588 A.

273 REP. MARKHAM: Is there anything in the bill that would let the government make it mandatory? Are you sure it is voluntary and meets the needs of the federal and state act?

279 MR. MINEN: The bill, as amended, meets the needs of the National Register and does not follow the process needed for Oregon to be eligible.

It does not change the capability of people to voluntarily be registered on

national sites. Section 358 is the local assessment process, which if you are giving a property tax break, it should be recognized and preserved during that time. The b, c. and d, where it references the National Historic Site, is a voluntary program.

300 REP. MARKHAM: Do any of the amendments try to change the voluntary provision?

301 MR. MINEN: Not the -A10's.

A prepared statement submitted but not presented by Mike Byrnes, President, Historic Preservation League of Oregon, is hereby made a part of these minutes (EXHIBIT N).

333 JOHN TESS, President of Heritage Investment Corporation: Submits and reads a prepared statement and explains their group has requested the SB 588-A11 amendments (EXHIBIT F).

404 REP. ROSS: Comments the A11 amendments insert "single family residential".

407 MR. TESS: Explains the existing provision says that no one can reapply for special assessment. By inserting "single family residential" it would allow commercial building to reapply for the special assessment at their current real market value and to be able to rehabilitate their building and use the tax savings to help make those improvements to the building.

428 JUDY GERRARD, resident of Dayton and owner of an old house: Submits and reviews a statement in support of SB 588 A (EXHIBIT M).

TAPE 130, B

020 MS. GERRARD: Continues her statement.

> comments on proposed amendments: A8 - yes; A9 - no; A10 - no; A11 - no comment; A12 - yes; and Rep. Ross's - yes

047 DENISE MCGRITH, City of Oregon City, representing Mayor Daniel Fowler: Concurs with statement by Ms. Gerrard.

> A9 and A10 amendments as proposed would decimate Oregon City's program
> program was taken to city council by citizens
> local government did all the research and work
> program has been in effect since 1980; not everybody agrees with everything, but people have an opportunity if they want to do something, to

do it

> there is local incentive program
> people of City of Oregon City have determined that this is important
> doesn't feel taking away local control is really the way for local government to deal with their communities
> historic preservation program in Oregon City has spurred a lot of economic development
> the amendments are the good, bad and the ugly
> the ugly part is owner consent without justification already exists, but if someone does not want to be on the inventory, they have a process through hearings at the local government level to request they be off
> in Oregon City, the citizens make the determination

136 REP. MARKHAM: Does Oregon City want the ability to say no to a property owner?

137 MS. MCGRITH: We want to be able to have an option; we would like the "may".

142 REP. GRISHAM: Is the time limitation for demolition up to 120 days?

MS. MCGRITH: It is up to 120 but has been much less.

149 MOTION: REP. HAYDEN moves that the SB 588-A9 amendments

BE ADOPTED.

159 SEN. BILL DWYER: The amendment on demolition delay came out of the Senate Committee on Water and Land Use. It is critical that we preserve the demolition delay because the philosophy is if government feels a dwelling is so important, they should at least have an opportunity to figure out how they are going to buy it for the community. If they can't, then the owner can do with it what they want.

> ought to define what is "substantial" modification. Substantial would probably mean major renovation that would substantially alter or change the original character of the dwelling, but does not include maintenance, roofing, painting, and other things.

> opposes -A10 amendments because it deletes the notification provision

184 REP. HAYDEN: Would you support just leaving in lines 9-14 on page 10?

185 SEN. DWYER: That would be all right.

199 CHAIR TIERNAN: Which amendments do you support?

200 SEN. DWYER: I don't support the portion of the -A10 amendment to delete the demolition delay because it is an important option for citizens if they want to exercise some power and have the money.

212 REP. ROBERTS: Would you go for a minimum of 90 and maximum of 120 days.

SEN. DWYER: It would be reasonable.

223 CHAIR TIERNAN: Rep. Milne, what is your suggestion on Sen. Dwyer's suggestion to keep line 9-14 on page 10.

225 REP. MILNE: Would prefer to leave the -A10 amendments in tact.

232 LARRY GEORGE, Executive Director, Oregonians in Action. We are pretty much in agreement with the Parks Department on the -A9, -A10 and -A11. The

concept of the last part of -A10 is not big problem, but we have not had time to go through the process of a permit. There is a delay time. We don't want to take a strong position opposing Sen. Dwyer, but is an issue Oregonians in Action would like to look into further before it becomes state statute. We would prefer that the amendment stay in tact until we are better aware of the process. It looks like local government could use this to keep delaying a property owner in a legitimate use.

253 SEN. DWYER: If you want to limit the amount of the delay, feel free to do it, but there needs to be a window of opportunity.

264 REP. HAYDEN: Restates his motion to adopt the SB 588-A9 amendments.

266 REP. ROSS: It is my understanding that the -A9 and my amendment should be taken together.

292 REP. JOHNSTON: Comments he doesn't think the -A9 amendment is inconsistent with Rep. Ross's amendment.

305 REP. ROBERTS: If a property is put on the registry and someone buys the property, the buyer has to be told up front that they have to follow the rules.

REP. JOHNSTON: If Rep. Ross's amendment were to pass, it would put a cloud on the title of all the properties. The title companies would have to include in their analysis of the title that the property owner's rights to the property are impinged.

325 REP. WYLIE: Comments she would vote for the -A9 amendment if it said "may" because many properties have had a lot of local resources go into restoring them. I would prefer to make it a real local government issue and say they "may".

337 REP. JOHNSTON: I will oppose the -A9. If we pass it, we will wreak havoc on the historic districts.

348 CHAIR TIERNAN: Bob Minen, do you oppose the -A9 amendments?

347 MR. MINEN: (Does not respond).

352 VOTE: In a roll call vote, REPS. CLARNO, GRISHAM, HAYDEN, MARKHAM, ROBERTS, STARR, STROBECK AND CHAIR TIERNAN VOTE AYE. REPS. JOHNSTON, LEHMAN, ROSS AND WYLIE VOTE NO.

360 CHAIR TIERNAN: Declares the motion PASSED.

364 MOTION: REP. HAYDEN moves that the SB 588-A10 amendments be amended: delete line 11, and conceptually amend to add "No permit for the demolition

or modification of such property shall issue less than 90 days nor more than 120 days from the date of application."

410 REP. WYLIE: On line 8 of the -A10 amendments, people are in agreement that the second "for" should be changed to "or".

422 MOTION: REP. WYLIE moves to amend Rep. Hayden's motion to include changing the second "for" to "or" in line 8 of the -A10 amendments.

428 REP. HAYDEN: Explains his motion. The amendment is a minor amendment.

It adds a 90 day cooling off period. It would also strengthen the bill in that it would require the permit be issued within 120 days, rather than set

in a file for two years.

436 REP. JOHNSTON: When we look at the -A9 and the -A10 amendments together, could someone consent under the -A10 amendments and later ask to be out under the -A9 amendments?

444 REP. HAYDEN: Responds he thinks it would be read in context as a whole to apply to the -A10 and -A9.

450 REP. JOHNSTON: The -A10 grants a property owner the right to refuse to consent to any form of historic property if they choose to. They could choose to agree. Under the -A9 amendments could the property owner two years later decide to take the property out of the designation?

461 REP. MILNE: My intent in the language in line 3, "historic property designation that was imposed on the property..." is when property owners were not allowed to consent and government imposed it on them, they would have an opportunity to remove their property.

473 REP. JOHNSTON: If a person does it under Section 10 but had the opportunity to not do it, can they, two years later, take their property out?

479 REP. MILNE: That was not my intent.

484 CHAIR TIERNAN: Then once a person voluntarily puts their property in, it is in.

484 REP. JOHNSTON: That is what I want to understand.

TAPE 131, B

010 MOTION: REP. GRISHAM moves that Rep. Hayden's motion be further amended to extend the time to 180 days, instead of 120 days.

010 REP. GRISHAM: Explains that six months to find an owner for these properties, or to move it, or find financing is not easy. It is very difficult to save them. At 90 days it is almost impossible to do. At 120 days it is difficult. The 180 days makes more sense.

038 REP. WYLIE: Comments she has a problem with the "shall" language. Local citizens and governments were asking for the local jurisdictions to not have to do this by mandate of the state. Two years ago they wanted it "may". In the amendments, we have a direction where if the community invests in special street lamps and special planter boxes and bricks on the sidewalk and it raises the value of the property, that owner has no obligation to continue participating. I think that puts it way beyond what was being asked for two years ago. It is unfair to the communities that have put a lot of effort into these programs.

059 MOTION: In a roll call vote on Rep. Hayden's motion as amended by Reps.

Wylie and Grisham, REPS. CLARNO, GRISHAM, HAYDEN, JOHNSTON, MARKHAM,
ROBERTS, ROSS, STARR, STROBECK, AND CHAIR TIERNAN VOTE AYE. REP. WYLIE
VOTES NO. REP. LEHMAN IS EXCUSED.

066 CHAIR TIERNAN: Declares the motion PASSED.

069 MOTION: REP. WYLIE moves that the SB 588-All amendments BE ADOPTED.

070 REP. JOHNSTON: Do we have any idea of how much this would cost? As I understand the -All amendments they are authorizing commercial buildings that have previously been granted historic status and have had the 15 year period of tax benefit to apply for another similar period.

080 JOHN TESS: We do not have an estimate of the cost.

081 CHAIR TIERNAN: Do you know how much this has cost already?

081 MR. TESS: No. We know we are losing buildings as a result of not being able to have a special assessment. A number of buildings have been torn down and the assessments on those properties go down. You don't see improvements, the other kinds of taxes and other types of jobs created in the city.

087 REP. ROBERTS: My concern is the expense of refurbishing the old buildings is enormous.

097 REP. JOHNSTON: As I read the amendments, a second class would be created which would never be taken off the tax break.

106 MR. TESS: It would go back on the rolls at its new and improved value from the first 15 years and would be frozen at the new real market value.

123 REP. STROBECK: We are not talking about going back to 1990. We are talking about from the effective date of this bill and there is no revenue loss; it is prospective revenue.

123 REP. JOHNSTON: It is lost revenue nonetheless.

137 VOTE: In a roll call vote, REPS. CLARNO, GRISHAM, HAYDEN, MARKHAM, ROBERTS, ROSS, STARR, STROBECK, WYLIE AND CHAIR TIERNAN VOTE AYE. REP. JOHNSTON VOTES NO. REP. LEHMAN IS EXCUSED.

145 CHAIR TIERNAN: Declares the motion PASSED.

145 REP. WYLIE: The -A12 amendments provide local property tax incentives to try to preserve their programs.

163 MOTION: REP. WYLIE moves that the SB 588-A12 amendments BE ADOPTED.

163 VOTE: In a roll call vote, REPS. JOHNSTON, ROBERTS, ROSS, STROBECK, WYLIE AND TIERNAN VOTE AYE. REPS. CLARNO, GRISHAM, HAYDEN, MARKHAM AND STARR VOTE NO. REP. LEHMAN IS EXCUSED.

170 CHAIR TIERNAN: Declares the motion FAILED.

180 REP. ROSS: Explains her amendment (EXHIBIT L) is in response to a question that arose yesterday that if a property was designated a historic property by a local government and someone bought the property after the designation had been placed on it, could they say they don't want to be a part of the program. If this amendment is taken together with the -A9 amendments, it is my understanding that if the designation was imposed, then the owner could opt out if they want. But if a person bought the property with the designation on it, the person buys the designation as part of the property.

MOTION: REP. ROSS moves that her amendments (EXHIBIT L) BE ADOPTED.

194 REP. STROBECK: Comments the language seems to guarantee midnight arson and other ways of substantially altering or destroying the property if someone doesn't want to be included any longer. I would think Rep. Ross would want some change of language.

202 REP. ROSS: I would be open to any friendly amendment. An alternative would be to delete the second sentence, or insert a period in the third line after local government and delete the remaining language.

212 REP. WYLIE: I think we have weakened the ability of local government to do anything very onerous. Fortunately, most people are law abiding and don't torch their properties.

227 REP. STROBECK: I would agree with striking the last two lines of the amendment and change "maybe" to "may be".

MOTION: REP. STROBECK moves that Rep. Ross's amendment be amended by inserting a period after the third line, deleting lines 4 and 5, and changing "maybe" to "may be".

238 REP. HAYDEN: Are we saying we will put a covenant into the title that the property must remain historic and that the covenant will run?

240 REP. ROSS: I think local governments vary in how they carry out the designation. I think there may be circumstances where local government might want to remove the designation.

255 MOTION: REP. STROBECK moves to further amend Rep. Ross's motion: at the end of line 3 add "with the concurrence of the property owner".

268 VOTE: In a roll call vote on Rep. Ross motion, as twice amended by Rep. Strobeck, REPS. CLARNO, GRISHAM, JOHNSTON, LEHMAN, MARKHAM, ROBERTS, R STARR, STROBECK AND WYLIE VOTE. REPS. HAYDEN AND CHAIR TIERNAN VOTE NO.

290 CHAIR TIERNAN: Declares the motion PASSED.

295 MOTION: REP. WYLIE moves that the SB 588-A8 amendment BE ADOPTED.

302 REP. MILNE: Comments that HB 2124 was passed last session with the shall language. We overrode the Governor's veto on HB 2124 with the shall in it. This bill was supposed to be a housekeeping bill to make sure some of the issues covered in the special session were dealt with and to make sure the National Registry was taken care of. Changing the "shall" to "may" substantially changes HB 2124.

316 REP. WYLIE: All I am trying to do is respond to the testimony of the community people who came here critical of the lack of an option of local consent. They wanted local government to have the option of opting out.

329 VOTE: In a roll call vote, REPS. JOHNSTON, LEHMAN, ROBERTS, ROSS, STROBECK AND WYLIE VOTE AYE. REPS. CLARNO, GRISHAM, HAYDEN, MARKHAM, STARR AND CHAIR TIERNAN VOTE NO.

339 CHAIR TIERNAN: Declares the motion FAILED.

341 MOTION: REP. HAYDEN moves that SB 588A, as amended, be sent to the Floor with a DO PASS RECOMMENDATION.

349 REP. JOHNSTON: If we pass this bill, we are authorizing some people to opt out of previously established historic districts. Some of the districts may be situations where local government have made considerable investments in altering or intensifying the character of them. Do we want to include something in an amendment to allow the state or local jurisdiction to recoup some of its investment in those properties?

388 REP. MARKHAM: Declares a possible conflict of interest because of interest in an historic property.

401 CHAIR TIERNAN: Comments he owns a house in Fossil that was built in 1888.

407 REP. GRISHAM: Owns a house in a historic district and declares a conflict of interest.

416 REP. MARKHAM: Calls for the question.

417 VOTE: In a roll call vote, REPS. CLARNO, GRISHAM, HAYDEN, LEHMAN, MARKHAM, ROBERTS, ROSS, STARR, STROBECK AND CHAIR TIERNAN VOTE AYE. REP. JOHNSTON VOTES NO. REP. WYLIE IS EXCUSED.

431 CHAIR TIERNAN: Declares the motion PASSED. REPS. LEWIS AND MILNE will lead discussion on the floor.

439 CHAIR TIERNAN: Declares the meeting adjourned at 3:40 p.m.

Submitted by, Reviewed by,

Annetta Mullins Gregory G. Moore
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - SB 132, Senate Staff Measure Summary and Legislative Fiscal and Revenue statements, staff, 2 pp
- B - SB 132, information on California seismic law, Sherry Patterson, 94 pp
- C - SB 132, prepared statement by James Bela, Sherry Patterson, 15 pp
- D - SB 132, prepared statement, John Beaulieu, 1 p
- E - SB 132, prepared statement, Mike Burton & Ruth McFarland, 1 p
- F - SB 588, prepared statement, John Tess, 2 pp
- G - SB 132, prepared statement, Bill Cross, 1 p
- H - HB 3434, Preliminary Staff Measure Summary, staff, 1 p
- I - HB 3434, HB 3434-1 proposed amendments, Rep. Wylie, 2 pp
- J - SB 588, Senate Staff Measure Summary, staff, 4 pp
- K - SB 588, SB 588-A8, -A9, -A10, -A11 and -A12 proposed amendments, various, 7 pp
- L - SB 588, proposed amendment, Rep. Ross, 1 p
- M - SB 588, prepared statement, Judy Gerrard, 2 pp
- N - SB 588, prepared statement, Mike Byrnes, 21 pp