

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Without Recommendation as to Passage and Be Referred to the Committee on Judiciary
Vote:	7 - 0 - 3
Yeas:	Bentz, Cameron, Davis, Gorsek, Lively, Nathanson, Read
Nays:	0
Exc.:	Doherty, McKeown, Parrish
Prepared By:	Troy Rayburn, Administrator
Meeting Dates:	3/8

WHAT THE MEASURE DOES: Provides that state law may not be construed implicitly to preempt city's authority to control or regulate use of sidewalks. Provides that city may not impose penalty greater than \$250 fine under municipal laws relating to use of sidewalks. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Refer to the House Committee on Judiciary to better review and discuss the legal aspects of the bill.
- No other issues discussed.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Article XI of the Oregon Constitution allows local governments to legislate on the same subject matter as the state so long as the legislation does not conflict with state law *City of Portland, v. Jackson* 315 Or.143 (1993). HB 2963 states that as it relates to the regulation of sidewalks local legislation is in conflict only if state law expressly conflicts with the local regulation.