

HOUSE COMMITTEE ON ENERGY AND THE ENVIRONMENT

TAPE LOG

April 30, 2007 Hearing Room C
1:00 P.M. Tapes 92 - 95

MEMBERS PRESENT:
Rep. Jackie Dingfelder, Chair
Rep. Chuck Burley, Vice-Chair
Rep. Ben Cannon, Vice-Chair
Rep. E. Terry Beyer
Rep. Bob Jenson
Rep. Greg Macpherson
Rep. Greg Smith

STAFF PRESENT:
Cat McGinnis, Committee Administrator
Beth Patrino, Committee Administrator
Ian Tolleson, Committee Assistant

MEASURES/ISSUES HEARD:
SB 838A – Work Session
HB 3543 – Work Session
HB 3500 – Work Session
HB 2564 – Work Session
HB 3203 – Work Session
HB 2566 – Work Session

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

TAPE #	COUNTER	BRIEF DESCRIPTION OF SUBJECT MATTER
AND SIDE	NUMBER	OR CHANGE IN SPEAKER
92A		Chair Dingfelder calls the meeting to order at 1:13 p.m.
<u>SB 838 – WORK SESSION</u>		
	012	Dave Heynderickx, Special Counsel, Legislative Counsel (EXHIBIT A)
	046	Chair Dingfelder
	048	Heynderickx
	058	Rep. Burley
	065	Heynderickx
	075	Rep. Burley
	088	Heynderickx
	096	Rep. Cannon
	097	Heynderickx
92A	099	Rep. Cannon
	101	Heynderickx
	116	Rep. Cannon
	121	Heynderickx
	162	Rep. Cannon
	166	Heynderickx

93A

178 Rep. Burley
180 Heynderickx
212 Chair Dingfelder
215 Heynderickx
273 Chair Dingfelder
276 Heynderickx
336 Chair Dingfelder
337 Heynderickx
379 Chair Dingfelder
392 Lee Sparling, Utility Program Director, Public Utility
Commission
425 Chair Dingfelder
432 Sparling
470 Rep. Burley
018 Sparling
030 Chair Dingfelder
**032 MOTION: Rep. Burley moves to ADOPT SB 838A-30
amendments dated 4/23/07.**
050 Rep. Cannon
057 Rep. Macpherson
061 Chair Dingfelder
**071 VOTE: 3-4-0
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder declares the motion FAILED.**
**073 MOTION: Rep. Burley moves to ADOPT SB 838A-41
amendments dated 4/25/07.**
097 Rep. Macpherson
108 Chair Dingfelder
**111 VOTE: 3-4-0
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder declares the motion FAILED.**
**114 MOTION: Rep. Burley moves to ADOPT SB 838A-59
amendments dated 4/27/07.**
117 Chair Dingfelder
122 **VOTE: 3-4-0
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder declares the motion FAILED.**
**125 MOTION: Rep. Burley moves to ADOPT SB 838A-60
amendments dated 4/27/07.**
**142 VOTE: 3-4-0
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder declares the motion FAILED.**
145 Chair Dingfelder
**147 MOTION: Rep. Burley moves to ADOPT SB 838A-19
amendments dated 4/16/07.**
174 Rep. Macpherson
190 Rep. Jenson

93A

200 VOTE: 3-4-0
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder declares the motion FAILED.
 206 Chair Dingfelder
 208 Rep. Burley
 214 Chair Dingfelder
215 MOTION: Rep. Cannon moves to ADOPT SB 838A-43
amendments dated 4/25/07.
 217 Chair Dingfelder
 220 Rep. Cannon
225 VOTE: 7-0-0
AYE: 7 - Beyer, Burley, Cannon, Jenson,
Macpherson, Smith G., Dingfelder
Chair Dingfelder declares the motion CARRIED.
229 MOTION: Rep. Cannon moves to ADOPT SB 838-44
amendments dated 4/25/07.
 230 Chair Dingfelder
 234 Rep. G. Smith
 236 Rep. Burley
 259 Chair Dingfelder
164 VOTE: 7-0-0
AYE: 7 - Beyer, Burley, Cannon, Jenson,
Macpherson, Smith G., Dingfelder
Chair Dingfelder declares the motion CARRIED.
266 MOTION: Rep. Cannon moves to ADOPT SB 838A-46
amendments dated 4/25/07.
 267 Chair Dingfelder
 269 Rep. Cannon
 274 Chair Dingfelder
283 VOTE: 7-0-0
AYE: 7 - Beyer, Burley, Cannon, Jenson,
Macpherson, Smith G., Dingfelder
Chair Dingfelder declares the motion CARRIED.
286 MOTION: Rep. Cannon moves to ADOPT SB 838A-48
amendments dated 4/25/07.
 287 Chair Dingfelder
 288 Rep. Cannon
 292 Chair Dingfelder
297 VOTE: 7-0-0
AYE: 7 - Beyer, Burley, Cannon, Jenson,
Macpherson, Smith G., Dingfelder
Chair Dingfelder declares the motion CARRIED.
299 MOTION: Rep. Cannon moves to ADOPT SB 838A-53
amendments dated 4/26/07.
 302 Chair Dingfelder
 307 Heynderickx
 318 Chair Dingfelder
 322 Heynderickx
325 VOTE: 6-1-0
AYE: 6 - Beyer, Cannon, Jenson, Macpherson, Smith

G., Dingfelder

NAY: 1 - Burley

Chair Dingfelder declares the motion CARRIED.

329

Chair Dingfelder

338

MOTION: Rep. Cannon moves to ADOPT SB 838A-63 amendments dated 4/30/07.

339

Chair Dingfelder

340

Rep. Cannon

358

VOTE: 4-3-0

AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder

NAY: 3 - Burley, Jenson, Smith G.

Chair Dingfelder declares the motion CARRIED.

360

MOTION: Rep. Cannon moves SB 838A to the floor with a DO PASS AS AMENDED recommendation.

362

VOTE: 4-3-0

AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder

NAY: 3 - Burley, Jenson, Smith G.

Chair Dingfelder declares the motion CARRIED.

The following prepared testimony is submitted for the record without public testimony:

Pat Larson, Union County Cattlemen (**EXHIBIT B**)

365

Chair Dingfelder

HB 3543 – WORK SESSION

410

David Van't Hof, Sustainability Policy Advisor, Governor's Office (**EXHIBIT C**)

92B

026

Chair Dingfelder

027

Rep. Burley

031

Van't Hof

039

Rep. G. Smith

041

Van't Hof

050

Rep. G. Smith

058

Van't Hof

065

Rep. Burley

070

Van't Hof

081

Chair Dingfelder

086

MOTION: Rep. Cannon moves to ADOPT HB 3543-2 amendments dated 4/30/07.

088

Chair Dingfelder

089

Rep. G. Smith

094

Rep. Burley

106

Chair Dingfelder

128

VOTE: 5-2-0

AYE: 5 - Beyer, Cannon, Macpherson, Smith G., Dingfelder

NAY: 2 - Burley, Jenson

Chair Dingfelder declares the motion CARRIED.

134

MOTION: Rep. Cannon moves HB 3543 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways & Means BE RESCINDED.

136

Chair Dingfelder

139

Rep. Cannon

151
206
226
251
278
298

Rep. Jenson
Rep. G. Smith
Rep. Cannon
Rep. Jenson
Chair Dingfelder
VOTE: 4-3-0
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder declares the motion CARRIED.

305 Rep. Jenson

The following prepared testimony is submitted for the record without public testimony:
Mike Gaudern, Oregon Small Woodlands Association (**EXHIBIT D**)

309 Chair Dingfelder

HB 3500 – WORK SESSION
92B 323

MOTION: Rep. Cannon moves HB 3500 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by prior reference.

325 Chair Dingfelder

327 VOTE: 5-1-1

AYE: 5 - Beyer, Cannon, Macpherson, Smith G., Dingfelder

NAY: 1 - Jenson

EXCUSED: 1 - Burley

Chair Dingfelder declares the motion CARRIED.

342 Rep. Jenson

HB 2564 – WORK SESSION

352 Chair Dingfelder

364 Tom Quintal, citizen

445 Chair Dingfelder

93B 009 Beth Patrino, Committee Administrator (EXHIBIT E)

048 Chair Dingfelder

049 Rep. Jenson

099 Chair Dingfelder

103 Debbie Colbert, Senior Policy Coordinator, Oregon Water Resources Department

112 Chair Dingfelder

121 Melissa Leoni, Senior Policy Coordinator, Oregon Watershed Enhancement Board

127 Rep. Jenson

139 Chair Dingfelder

142 Rep. Jenson

147 Chair Dingfelder

150 Rep. Cannon

156 Colbert

160 Rep. Cannon

163 Colbert

171 Chair Dingfelder

172 MOTION: Rep. Jenson moves to ADOPT HB 2564-4 amendments dated 4/30/07 and that the measure

be **FURTHER AMENDED** on page 2, line 3, by changing
"shall" to "may".

VOTE: 7-0-0

**Chair Dingfelder, hearing no objection, declares the motion
CARRIED.**

176

Rep. Macpherson

93B

181

**MOTION: Rep. Jenson moves HB 2564 with the concept
ional amendment to the floor with a DO PASS AS
AMENDED recommendation.**

VOTE: 6-1-0

**AYE: 6 - Beyer, Burley, Cannon, Jenson,
Macpherson, Dingfelder**

NAY: 1 - Smith G.

Chair Dingfelder declares the motion CARRIED.

184

Chair Dingfelder

196

**MOTION: Rep. Jenson moves HB 2564 to the floor with a
DO PASS AS AMENDED recommendation and
BE REFERRED to the committee on Ways and
Means by prior reference..**

196

VOTE: 4-3-0

AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder

NAY: 3 - Burley, Jenson, Smith G.

Chair Dingfelder declares the motion CARRIED.

The following prepared testimony is submitted for the record without public testimony:

Cat McGinnis, Committee Administrator **(EXHIBIT F)**

Chair Dingfelder recesses the meeting at 3:02 pm

Chair Dingfelder reconvenes the meeting at 5:19 pm

94A

217

001

HB 3203 – WORK SESSION

005

Cat McGinnis, Committee Administrator

008

Chair Dingfelder

011

Willie Tiffany, Senior Associate, League of Oregon Cities
(EXHIBIT G)

103

Kimberley Priestley, Assistant Director, WaterWatch of Oregon

106

Chair Dingfelder

108

Tiffany

119

Rep. Burley

129

Tiffany

147

Presley

157

Rep. Burley

169

Tiffany

181

Chair Dingfelder

184

Tiffany

196

Rep. Jenson

207

Chair Dingfelder

210

Tiffany

217

Chair Dingfelder

219

Debbie Colbert, Senior Policy Coordinator, Oregon Water
Resources Department

225

Chair Dingfelder

229

Rep. Jenson

	242	Chair Dingfelder
	250	Rep. Jensen
	254	Chair Dingfelder
	255	Rep. Burley
<u>HB 2566 – WORK SESSION</u>		
94A	262	Chair Dingfelder
	268	MOTION: Rep. Cannon moves to ADOPT HB 2566-2 amendments dated 4/27/07.
	271	Chair Dingfelder
	273	Rep. Macpherson
	292	VOTE: 4-3-0
		AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
		NAY: 3 - Burley, Jensen, Smith G.
		Chair Dingfelder declares the motion CARRIED.
	307	MOTION: Rep. Burley moves to ADOPT HB 2566-3 amendments dated 4/30/07.
	308	Chair Dingfelder
	310	Rep. Burley
	312	Chair Dingfelder
	314	Richard Kosesan, Representative, Water for Life (EXHIBIT H)
	330	Chair Dingfelder
	338	Kosesan
	360	Chair Dingfelder
	375	Rep. Burley
	386	Chair Dingfelder
	410	Rep. Cannon
	415	Chair Dingfelder
	418	MOTION: Rep. Dingfelder moves to AMEND the motion to ADOPT HB 2566-3 amendments dated 4/30/07 by FURTHER AMENDING the -3 amendments on page 1, line 1&2, by deleting "On page 1 of the printed bill, line 2, delete "amending ORS 537.545;". Delete lines 4 through 31 and delete page 2 and insert:" and by inserting "the -3 amendments between sections 4 & 5 of the -2 amendments with the exception of the emergency clause."
	459	Chair Dingfelder
	464	Rep. Cannon
	477	Chair Dingfelder
95A	011	Rep. Jensen
	019	Chair Dingfelder
	025	VOTE: 4-3-0
		AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
		NAY: 3 - Burley, Jensen, Smith G.
		Chair Dingfelder declares the motion CARRIED.
	031	Chair Dingfelder
	033	Rep. Jensen
	041	Rep. Macpherson
95A	045	Chair Dingfelder
	046	MOTION: Rep. Macpherson moves to ADOPT HB 2566-3

		conceptional amendments dated 4/30/07.
	048	Chair Dingfelder
	049	Rep. Jenson
	053	Rep. Macpherson
	054	Chair Dingfelder
	058	VOTE: 5-2-0
		AYE: 5 - Beyer, Cannon, Jenson, Macpherson, Dingfelder
		NAY: 2 - Burley, Smith G.
		Chair Dingfelder declares the motion CARRIED.
	060	MOTION: Rep. Cannon moves HB 2566 to the floor with a DO PASS AS AMENDED recommendation.
	063	Chair Dingfelder
	066	Rep. Burley
	080	Chair Dingfelder
	081	Rep. Jenson
	097	Rep. Beyer
	106	VOTE: 4-3-0
		AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
		NAY: 3 - Burley, Jenson, Smith G.
		Chair Dingfelder declares the motion CARRIED.
	114	Chair Dingfelder adjourns meeting at 5:58 pm
	130	MOTION: Rep. Dingfelder moves to SUSPEND the rules for the purpose to re-open the committee meeting and to reopen the work session on HB 3203.
		VOTE: 6-0-1
		EXCUSED: 1 - Rep. G. Smith
		Chair Dingfelder, hearing no objection, declares the motion CARRIED.
	131	Chair Dingfelder reconvenes work session on HB 3203
<u>HB 3203 – WORK SESSION</u>		
	142	Willie Tiffany, Senior Associate, League of Oregon Cities (EXHIBIT I)
	164	Chair Dingfelder
	165	MOTION: Rep. Macpherson moves to ADOPT HB 3203-1 amendments dated 4/30/07 and that the measure be FURTHER AMENDED on page 2, by inserting "the changes on the hand engrossed version 2 of the -1 amendments".
	169	VOTE: 5-1-1
		AYE: 5 - Beyer, Cannon, Jenson, Macpherson, Dingfelder
		NAY: 1 - Burley
		EXCUSED: 1 - Smith G.
		Chair Dingfelder declares the motion CARRIED.
95A	174	MOTION: Rep. Macpherson moves HB 3203 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference..
	176	Chair Dingfelder
	180	Rep. Jenson

188	Chair Dingfelder
198	Tiffany
201	Rep. Burley
214	Chair Dingfelder
216	Tiffany
228	Rep. Burley
235	Rep. Macpherson
239	Tiffany
246	Chair Dingfelder
252	VOTE: 4-2-1
	AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
	NAY: 2 - Burley, Jenson
	EXCUSED: 1 - Smith G.
	Chair Dingfelder, declares the motion CARRIES.
259	Chair Dingfelder adjourns meeting at 6:15 pm

EXHIBIT SUMMARY

- A. **SB 838A, amendment packet, Dave Heynderickx, 23 pp**
- B. **SB 838A, written testimony, Pat Larson, 1 p**
- C. **HB 3543, -2 amendments, David Van't Hof, 11 pp**
- D. **HB 3543, written testimony, Mike Gaudern, 5 pp**
- E. **HB 2564, -4 amendments, staff, 6 pp**
- F. **HB 2564, written testimony, staff, 16 pp**
- G. **HB 3203, -1 amendments, Willie Tiffany, 3 pp**
- H. **HB 2566, -3 amendments, Richard Kosesan, 3 pp**
- I. **HB 3203, -2 amendments, Willie Tiffany, 2 pp**