

SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

TAPE LOG

March 27, 2007 Hearing Room B
3:00 P.M. Tapes 37 – 38

MEMBERS PRESENT: Sen. Brad Avakian, Chair
Sen. Jason Atkinson, Vice-Chair
Sen. Alan Bates
Sen. Roger Beyer
Sen. Floyd Prozanski

STAFF PRESENT: Sue Marshall, Committee Administrator
Matthew Davis, Committee Assistant

Measures or Issues Heard: SB 838 – Work Session

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

| TAPE # AND SIDE | COUNTER NUMBER | BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER |
|------------------------------|-------------------|--|
| 37A | 004 | Chair Avakian calls the meeting to order at 3:10 p.m. |
| SB 838 – WORK SESSION | | |
| | 022 | Senator Vicki Walker, Senate District 7 |
| | 054 | Senator Rick Metsger, Senate District 26 |
| | 068 | Chair Avakian |
| | 071 | Lee Sparling, Director of the Utility Program for Public Utility Commission |
| | 088 | Chair Avakian |
| | 090 | Sen. Walker |
| | 092 | Chair Avakian |
| | 094 | Sen. Beyer (EXHIBIT A) |
| | 104 | MOTION: Sen. Beyer moves to ADOPT SB 838-3 amendments dated 3/20/07. |
| | 107 | Chair Avakian |
| | 108 | Sen. Beyer |
| | 116 | Chair Avakian |
| | 119 | VOTE: 2-3-0 AYE: 2 - Atkinson, Beyer NAY: 3 - Bates, Prozanski, Avakian Chair Avakian declares that the motion FAILS. |
| | 122 | Chair Avakian |
| 37A | 127 | MOTION: Sen. Beyer moves to ADOPT SB 838-1 amendments dated 3/9/07. (EXHIBIT B) |
| | 128 | Chair Avakian |
| | 130 | Senator Ted Ferrioli, Senate District 30 |
| | 149 | Chair Avakian |
| | 150 | VOTE: 2-3-0 AYE: 2 - Atkinson, Beyer NAY: 3 - Bates, Prozanski, Avakian Chair Avakian declares that the motion FAILS. |

156 Chair Avakian
157 MOTION: Sen. Beyer moves to ADOPT SB 838-5 amendments dated 3/20/07. (EXHIBIT C)
160 Chair Avakian
163 Sen. Beyer
176 Chair Avakian
178 Mike Graine, Department of Energy
184 Sen. Beyer
197 Chair Avakian
199 Sen. Beyer
200 Sen. Atkinson
212 Chair Avakian
213 Sen. Bates
218 Chair Avakian
219 Sen. Prozanski
226 VOTE: 2-3-0
AYE: 2 - Atkinson, Beyer
NAY: 3 - Bates, Prozanski, Avakian
Chair Avakian declares that the motion FAILS.
230 Chair Avakian
233 MOTION: Sen. Beyer moves to ADOPT SB 838-6 amendments dated 3/20/07. (EXHIBIT D)
240 Sen. Beyer
241 Chair Avakian
242 Sen. Beyer
271 Sen. Atkinson
283 Chair Avakian
285 VOTE: 2-3-0
AYE: 2 - Atkinson, Beyer
NAY: 3 - Bates, Prozanski, Avakian
Chair Avakian declares that the motion FAILS.
287 MOTION: Sen. Beyer moves to ADOPT SB 838-7 amendments dated 3/20/07. (EXHIBIT E)
37A 292 Chair Avakian
293 Sen. Beyer
313 Chair Avakian
331 Sen. Beyer
345 Chair Avakian
350 VOTE: 2-3-0
AYE: 2 - Atkinson, Beyer
NAY: 3 - Bates, Prozanski, Avakian
Chair Avakian declares that the motion FAILS.
354 MOTION: Sen. Beyer moves to ADOPT SB 838-9 amendments dated 3/19/07. (EXHIBIT F)
358 Chair Avakian
360 Sen. Beyer
382 Chair Avakian
383 Sen. Atkinson
396 Chair Avakian
397 Sen. Bates
417 Chair Avakian

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| | 425 | Sen. Prozanski |
| | 442 | Chair Avakian |
| | 443 | Sen. Beyer |
| 38A | 001 | Sen. Beyer (continued) |
| | 006 | VOTE: 2-3-0 |
| | | AYE: 2 - Atkinson, Beyer |
| | | NAY: 3 - Bates, Prozanski, Avakian |
| | | Chair Avakian declares that the motion FAILS. |
| | 014 | MOTION: Sen. Beyer moves to ADOPT SB 838-11 |
| | | amendments dated 3/20/07. (EXHIBIT G) |
| | 016 | Chair Avakian |
| | 017 | Sen. Beyer |
| | 033 | Sen. Prozanski |
| | 037 | Dave Heynderickx, Legislative Council |
| | 060 | Chair Avakian |
| | 062 | VOTE: 2-3-0 |
| | | AYE: 2 - Atkinson, Beyer |
| | | NAY: 3 - Bates, Prozanski, Avakian |
| | | Chair Avakian declares that the motion FAILS. |
| | 066 | MOTION: Sen. Beyer moves to ADOPT SB 838-13 |
| | | amendments dated 3/27/07. (EXHIBIT H) |
| | 082 | Mark Nelson, Industrial Customers of Northwest Utilities |
| | 108 | Greg Miller, Weyerhaeuser Public Affairs |
| | 135 | Chair Avakian |
| 38A | 137 | VOTE: 2-3-0 |
| | | AYE: 2 - Atkinson, Beyer |
| | | NAY: 3 - Bates, Prozanski, Avakian |
| | | Chair Avakian declares that the motion FAILS. |
| | 141 | Chair Avakian |
| | 144 | MOTION: Sen. Prozanski moves to ADOPT SB 838-10 |
| | | amendments dated 3/19/07. (EXHIBIT I) |
| | 147 | Mike Grainey, Department of Energy |
| | 157 | Chair Avakian |
| | 158 | Grainey |
| | 159 | Chair Avakian |
| | 160 | Sen. Atkinson |
| | 161 | Sen. Beyer |
| | 167 | Chair Avakian |
| | 173 | Grainey |
| | 175 | Chair Avakian |
| | 178 | VOTE: 5-0-0 |
| | | Chair Avakian hearing no objection, declares the motion |
| | | CARRIED. |
| | 182 | MOTION: Sen. Prozanski moves to ADOPT SB 838-14 |
| | | amendments dated 3/27/07. (EXHIBIT J) |
| | 184 | Chair Avakian |
| | 212 | Sen. Atkinson |
| | 222 | Chair Avakian |
| | 225 | Grainey |
| | 245 | Chair Avakian |
| | 248 | VOTE: 5-0-0 |

Chair Avakian hearing no objection, declares the motion
CARRIED.

250 **MOTION: Sen. Prozanski moves SB 838 to the floor with a**
DO PASS AS AMENDED recommendation.

257 Sen. Beyer

265 Chair Avakian

269 **MOTION: Sen. Prozanski moves to SUSPEND the rules for**
the purpose of removing the -2 amendments from SB 838.

275 Sen. Beyer

279 Chair Avakian

282 **MOTION: Sen. Atkinson moves to RECONSIDER the vote**
by which " Sen. Atkinson moves to ADOPT SB 838-2
amendments dated 03/15/07."
VOTE: 5-0-0
Chair Avakian hearing no objection, declares the motion
CARRIED.

38A 285 **MOTION: Sen. Prozanski moves to RECONSIDER the vote**
by which " Sen. Atkinson moves to ADOPT SB 838-2
amendments dated 03/15/07."

286 Chair Avakian

295 **VOTE: 5-0-0**
Chair Avakian hearing no objection, declares the motion
CARRIED.

299 Sen. Beyer

300 Chair Avakian

302 Sen. Beyer

307 **MOTION: Sen. Prozanski moves SB 838 to the floor with a**
DO PASS AS AMENDED recommendation.

313 Sen. Beyer

325 Chair Avakian

337 **VOTE: 4-1-0**
AYE: 4 - Atkinson, Bates, Prozanski, Avakian
NAY: 1 - Beyer
Chair Avakian declares that the motion CARRIES.
SEN. AVAKIAN AND SEN. ATKINSON will lead discussion
on the floor.

339 Sen. Prozanski

347 Chair Avakian

The following prepared testimony is submitted for the record without public testimony.
Jeff Hammarlund, Adjunct Associate Professor, Mark O. Hatfield
School of Government, Portland State University (**EXHIBIT K**)

349 Chair Avakian adjourns the meeting at 4:05 pm

EXHIBIT SUMMARY

- A. SB 838, proposed amendments, Sen. Roger Beyer, 37 pp
- B. SB 838, proposed amendments, Sen. Roger Beyer, 1 p
- C. SB 838, proposed amendments, Sen. Roger Beyer, 36 pp
- D. SB 838, proposed amendments, Sen. Roger Beyer, 37 pp
- E. SB 838, proposed amendments, Sen. Roger Beyer, 36 pp
- F. SB 838, proposed amendments, Sen. Roger Beyer, 37 pp

- G. **SB 838, proposed amendments, Sen. Roger Beyer, 6 pp**
- H. **SB 838, proposed amendments, Sen. Roger Beyer, 17 pp**
- I. **SB 838, proposed amendments, Sen. Floyd Prozanski, 8 pp**
- J. **SB 838, proposed amendments, Sen. Floyd Prozanski, 52 pp**
- K. **SB 838, written testimony, Jeff Hammarlund, 4 pp**