

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

February 16, 2005
3:00 P.M.

Hearing Room B
Tapes 25 - 26

MEMBERS PRESENT: Sen. Charlie Ringo, Chair
Sen. Jason Atkinson, Vice-Chair
Sen. Roger Beyer
Sen. Ginny Burdick
Sen. Frank Shields

STAFF PRESENT: Matt Shields, Committee Administrator
Katie Lowry, Committee Assistant

MEASURES/ISSUES HEARD:

SB 45 – Work Session
SB 68 – Work Session
SB 64 – Work Session
SB 103 – Public Hearing and Work Session
SB 281 – Public Hearing and Work Session
SB 96 – Public Hearing
SB 431 – Public Hearing

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 25, A		
005	Chair Ringo	Calls meeting to order at 3:06 p.m. Informs that the committee will not be moving SB 64. Opens work session on SB 45.
<u>SB 45 – WORK SESSION</u>		
015	Matt Shields	Committee Administrator. Introduces SB 45. Introduces -1 amendments (EXHIBIT A).
022	Chair Ringo	Asks what the -1 amendments do.
023	Shields	Explains that the -1 amendments clarify drafting errors.
025	Holly Schroeder	Administrator, Water Quality Division, Department of Environmental Quality. Explains -1 amendments.
030	Sen. Beyer	Asks what is meant by a watershed based approach.
032	Schroeder	Explains that she did meet with Sen. Beyer. Explains watershed based approach. Explains that the language is permissive and not directive.
The following prepared testimony is submitted for the record without public testimony:		
	Janet Gillaspie	Submits written testimony in support of SB 45 (EXHIBIT B).
045	Sen. Atkinson	MOTION: Moves to ADOPT SB 45-1 amendments dated 02/02/05. VOTE: 4-0-1 EXCUSED: 1 - Burdick
048	Chair Ringo	Hearing no objection, declares the motion CARRIED .
050	Sen. Atkinson	MOTION: Moves SB 45 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.

055 Chair Ringo
057 Chair Ringo

SB 68 – WORK SESSION

060 Matt Shields
070 Chair Ringo

075 Dave Wright

077 Chair Ringo
078 Sen. Beyer
080 Wright

081 Sen. Beyer
082 Wright
083 Sen. Atkinson

090 Chair Ringo

095 Chair Ringo

SB 64 – WORK SESSION

096 Sen. Beyer

110 Chair Ringo

115 James Hamrick

120 Chair Ringo

SB 103 – PUBLIC HEARING

123 Bob Rindy

165 Chair Ringo
167 Rindy

173 Chair Ringo
176 Art Schlack

180 Chair Ringo
181 Schlack
190 Sen. Atkinson

195 Schlack

210 Chair Ringo

VOTE: 4-0-1

EXCUSED: 1 - Burdick

Hearing no objection, declares the motion CARRIED.

Closes work session on SB 45 and opens a work session on SB 68.

Committee Administrator. Explains SB 68.

Addresses Dave Wright. Asks if someone from the Oregon Parks and Recreation Department (OPRD) talked with Sen. Burdick regarding the concerns raised in previous public hearing (01/31/2005).

Assistant Director, OPRD. Believes that OPRD had some correspondence with Sen. Beyer, but is not aware of any correspondence with Sen. Burdick.

Asks what Sen. Beyer thinks.

Asks witness question regarding the sand dune areas.

Explains where All Terrain Vehicles are currently allowed and states that everything except street legal vehicles is prohibited everywhere else.

Asks if SB 68 changes that.

Replies no.

MOTION: Moves SB 68 to the floor with a DO PASS recommendation.

VOTE: 4-0-1

EXCUSED: 1 - Burdick

Hearing no objection, declares the motion CARRIED.

SEN. RINGO will lead discussion on the floor.

Closes work session on SB 68 and opens work session on SB 64.

Explains necessity for a definition of an archaeological investigation.

Addresses James Hamrick. Asks if witness will work with Sen. Beyer on the necessary amendments to SB 64.

Oregon Parks and Recreation Department. Submits a letter from the Department of Justice on SB 64 (**EXHIBIT C**). Replies that he will work with Sen. Beyer.

Closes work session on SB 64 and opens public hearing on SB 103.

Department of Land Conservation and Development (DLCD). Submits written testimony in support of SB 103 (**EXHIBIT D**). Explains SB 103.

Asks about details of language.

Explains.

Asks if anyone else could answer this question.

Association of Oregon Counties (AOC). Clarifies details of language.

Asks where the reference is to accessory dwellings.

Gives reference. Continues clarifying language.

Asks where the language is that restricts SB 103 to Lane and Washington Counties.

Discusses different provisions in statute relating to the 36 counties.

Discusses marginal lands counties.

211	Sen. Atkinson	Asks if the two counties in his district are in any way disadvantaged.
215	Dennis Mulvihill	Washington County. Explains that SB 103 allows marginal lands counties to have the same provisions of law apply to them that already apply to the counties in Sen. Atkinson's district.
220	Sen. Shields	Asks if it would be wise to ask Legislative Counsel to come down and explain.
225	Chair Ringo	States that he is satisfied that everyone who has looked at SB 103 says that it does what it is intended to do.
230	Sen. Burdick	Clarifies that marginal lands counties do not have provisions for farm worker housing.
235	Rindy	Explains that there were provisions made in 2001, so all counties except for marginal land counties have the provisions for farm worker housing.
240	Sen. Burdick	Asks about marginal lands designation and impact on farm worker housing.
245	Rindy	States that this language will make it so that marginal land counties will have the same provisions as the other counties.
250	Sen. Burdick	Discusses marginal lands designation.
255	Rindy	Explains that when the statute was amended, they forgot to put this language into ORS 215.213.
256	Mulvihill	States for the record that the Oregon Farm Bureau is supporting SB 103.

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

	Carrie MacLaren	Submits written testimony in support of SB 103 (EXHIBIT E).
260	Chair Ringo	Closes public hearing on SB 103 and opens work session on SB 103.

SB 103 – WORK SESSION

265	Sen. Atkinson	MOTION: Moves SB 103 to the floor with a DO PASS recommendation.
		VOTE: 5-0-0
	Chair Ringo	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
270	Chair Ringo	Closes work session on SB 103 and opens public hearing on SB 281.

SB 281 – PUBLIC HEARING

275	Matt Shields	Committee Administrator. Introduces SB 281.
290	Chris Crean	Assistant County Attorney, Multnomah County and Chair of the State Bar Real Estate and Land Use Section, Land Use Legislation Committee. Discusses cleaning up language for real estate practice law. Discusses land owned by counties and regulation for counties disposing of property. Refers to ORS 275.190. Discusses background for purpose of SB 281. Explains that it allows counties to take advantage of modern financing mechanisms when selling properties.
338	Chair Ringo	Points out that SB 281 deletes references to county courts. Asks for explanation.
340	Crean	Explains.
345	Sen. Atkinson	Discusses a book called <i>Gold in the Woodpile: An Informal History of Banking in Oregon</i> by O.K. Burrell. States that he would like to carry SB 281 and asks Crean to help him find this book. Explains story he would like to read from this book.
360	Crean	Agrees to do this.

363	Chair Ringo	Closes public hearing on SB 281 and opens work session on SB 281
<u>SB 281 – WORK SESSION</u>		
370	Ed Johnston	Lincoln County. Reads written testimony (EXHIBIT F) in opposition to SB 281.
TAPE 26, A		
010	Sen. Atkinson	MOTION: Moves SB 281 to the floor with a DO PASS recommendation.
012	Chair Ringo	VOTE: 5-0-0
015	Chair Ringo	Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.
<u>SB 96 – PUBLIC HEARING</u>		
020	Matt Shields	Closes work session on SB 281 and opens public hearing on SB 96.
025	Bob Rindy	Committee Administrator. Introduces SB 96.
050	Chair Ringo	Department of Land Conservation and Development (DLCD). Submits written testimony in support of SB 96 (EXHIBIT G). Explains reasons for SB 96. Discusses expense to DLCD to amend a goal.
055	Bob Rindy	Asks for an example where DLCD had to have the hearings even though the change had been mandated by statute or initiative.
075	Chair Ringo	Explains concern because of potential legislative changes.
077	Rindy	Asks about 114 thousand dollar figure in testimony.
080	Chair Ringo	Explains.
083	Rindy	Asks if DLCD is required to advertise the hearing in the local newspapers.
087	Chair Ringo	Confirms this. Explains other expenses.
090	Rindy	Asks if DLCD would be having those hearings anyway. Asks about staff time.
095	Sen. Burdick	Explains.
105	Sen. Beyer	Comments about credibility of the whole process.
120	Rindy	States that SB 96 makes him nervous. States that the statutes are not the problem with the land use system. States that the goals and the rules are the problem with the land use system. Wants a more concrete reason to pass SB 96.
130	Sen. Burdick	Offers to return information to the committee.
135	Rindy	Asks if the 80 acre rule on farm land is a case where the legislature mandated something and then the Land Conservation and Development Commission had to put it into its rules.
145	Chair Ringo	Explains that the work done in responding to that legislation was considerable however doesn't think this would have applied to that legislation.
150	Rindy	Wants to reduce Sen. Beyer's nervousness.
155	Chair Ringo	States that he will be hard pressed for a real life example.
<u>SB 431 – PUBLIC HEARING</u>		
160	Matt Shields	Closes public hearing on SB 96 and opens public hearing on SB 431.
165	Dick Benner	Committee Administrator. Introduces SB 431.
215	Sen. Atkinson	Metro. Testifies in support of SB 431. Gives reasoning for SB 431. Discusses issue of jurisdiction and how that is resolved in SB 431.
		Expresses that it is frustrating to make everything easier for government while not making it easier for real people.

210	Chair Ringo	States that the purpose of SB 431 is to try to give them guidance as to where to go.
225	Sen. Atkinson	Thinks this is a good idea. Expresses frustration for citizens who don't know the process. Gives example.
245	Benner	Thinks that this is entirely consistent with expressed frustration. Gives example. Urges committee to pass SB 431.
270	Chair Ringo	Gives an example of a constituent from his district.
275	Sen. Burdick	Refers to (EXHIBIT H) and the request to postpone action on SB 431 until February 22, 2005.
280	Benner	Explains that he has heard of this date but has not seen the letter. Discusses interim committee on periodic review. Discusses intention of letter.
305	Chair Ringo	Asks if the Department of Land Conservation and Development (DLCD) has potential problems with SB 431.
308	Bob Rindy	DLCD. Submits written testimony asking committee to postpone action on SB 431 (EXHIBIT H) . States that DLCD has heard from the Attorney General's office that there are concerns with SB 431. Explains concerns.
320	Chair Ringo	Closes public hearing on SB 431. States that he needs to know ahead of time if DLCD has problems with any bill.
322	Rindy	States that he did notify committee staff of these concerns and asked for this hearing to be postponed.
320	Chair Ringo	Adjourns meeting at 3:58 p.m.

EXHIBIT SUMMARY

- A. SB 45, -1 Amendments, Staff, 1 p**
- B. SB 45, written testimony, Janet Gillaspie, 2 pp**
- C. SB 64, letter, James Hamrick, 2 pp**
- D. SB 103, written testimony, Bob Rindy, 1 p**
- E. SB 103, written testimony, Carrie MacLaren, 1 p**
- F. SB 281, written testimony, Ed Johnston, 1 p**
- G. SB 96, written testimony, Bob Rindy, 1 p**
- H. SB 431, written testimony, Bob Rindy, 1 p**