

# SENATE COMMITTEE ON ENVIRONMENT & LAND USE

March 15, 2005  
7:00 A.M.

Hearing Room B  
Tapes 43 - 44

**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 410 – Public Hearing and Work Session  
SB 529 – Public Hearing  
SB 848 – Public Hearing and Work Session  
SB 696 – Public Hearing  
HB 2083 – Public Hearing and Work Session  
SJM 4 – Public Hearing and Work Session

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 43, A</b>		
005	Chair Ringo	Calls meeting to order at 7:11 a.m. Thanks everyone for coming. Opens public hearing on SB 410.
<b>SB 410 – PUBLIC HEARING</b>		
011	Sen. Jason Atkinson	Represents Senate District 2. Testifies in support of SB 410. Refers to visual aid which is an example of a recycling kiosk.
050	Sen. Beyer	Makes remark about sponsorship of SB 410.
052	Sen. Atkinson	Responds.
055	Sen. Beyer	Refers to statement made by Sen. Atkinson stating that lead and toxins that aren't used anymore can be recycled. Points out that not everyone is a fly fisherman, and many fishermen do still use lead.
057	Sen. Atkinson	Agrees and explains that all of it will be recycled.
065	Sen. Shields	Makes remark about sponsorship of SB 410.
066	Sen. Atkinson	Explains sponsorship of SB 410. Apologizes to Sen. Beyer.
070	Sen. Shields	Makes comment.
072	Sen. Atkinson	Makes comment.
073	Chair Ringo	Asks who pays for the recycling kiosks.
074	Sen. Atkinson	Gives details.
085	Art Israelson	Association of Northwest Steelheaders. Testifies in support of SB 410.
095	Roy Elicker	Oregon Department of Fish and Wildlife (ODFW). Testifies in support of SB 410. Submits written testimony ( <b>EXHIBIT A</b> ) and a report titled "Keep Oregon's Rivers Clean Pilot Program for the Collection, Recycling and Proper Disposal of Fishing Tackle" ( <b>EXHIBIT B</b> ).

115	Chair Ringo	Asks about fiscal impact of SB 410.
118	Elicker	Explains that the program is mostly volunteer driven.
120	Chair Ringo	Wants to move SB 410 straight to the Senate floor and rescind the referral to Ways and Means.
125	Rhine Messmer	ODFW. Discusses fiscal impact.
140	Chair Ringo	Asks if witness is referring to a written document. Asks if witness has a written fiscal impact.
145	Messmer	Replies yes.
147	Chair Ringo	Asks if the committee can look at the fiscal impact.
148	Elicker	Replies yes. States that the fiscal he is looking at does not show any cost to the ODFW.
150	Sen. Shields	Thinks committee should rescind the referral to the Ways and Means Committee.
155	Messmer	Discusses annual report.
170	Chair Ringo	Closes public hearing and opens work session on SB 410.

**SB 410 – WORK SESSION**

171	Sen. Atkinson	<b>MOTION: Moves SB 410 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</b>
		<b>VOTE: 5-0-0</b>
180	Chair Ringo	<b>Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.</b>
190	Chair Ringo	Closes work session on SB 410 and opens public hearing on SB 529.

**SB 529 – PUBLIC HEARING**

195	Celeste Crimi	Oregon Spay and Neuter Task Force. Submits fact sheet and graph ( <b>EXHIBIT C</b> ). Explains SB 529.
210	Matt Shields	Committee Administrator. Gives overview of SB 529. Discusses 529-1 amendments ( <b>EXHIBIT D</b> ), 529-2 amendments ( <b>EXHIBIT E</b> ), and 529-3 amendments ( <b>EXHIBIT F</b> ).
228	Crimi	Explains SB 529. Discusses costs.
235	Chair Ringo	Asks what state witness mentioned.
236	Crimi	Replies New Hampshire. Continues discussing costs.
248	Chair Ringo	Asks how much a dog license is.
250	Crimi	Explains that it varies based on location.
251	Chair Ringo	Asks how much a dog license is where the witness lives.
252	Crimi	Replies \$10.
253	Chair Ringo	Verifies that SB 529 would change the cost from \$10 to \$13.
254	Crimi	Confirms this. Explains that the counties may decide how to accommodate the tax.
255	Sen. Shields	Wonders if Multnomah County has a cat license as well. Wonders if that would be added.
260	Crimi	Discusses cat licenses in Multnomah County.
265	Sen. Beyer	Verifies that witness said it is optional whether the counties add three dollars to the dog license fee or take the three dollars from the existing fee. Points out language in section 2 of the amendments.
276	Crimi	Asks if that is what the amendments say.
277	Sen. Beyer	Replies yes. Remarks that the language doesn't seem optional.
278	Crimi	Responds that if the amendments say that, then the counties will add the three dollars to the existing fee.
280	Chair Ringo	Explains fee options. States that it doesn't seem likely that the

283	Crimi	counties would take the three dollars out of the existing fee.
285	Sen. Burdick	Discusses intent of SB 529.
290	Chair Ringo	Explains fee options.
		States that SB 529 will be held. Closes public hearing on SB 529 and opens public hearing on SB 848.
<b><u>SB 848 – PUBLIC HEARING</u></b>		
295	Gerald Kubiak	Government Affairs Staff, Washington County and representing Clean Water Services. Submits written testimony ( <b>EXHIBIT G</b> ) and 848-1 amendments ( <b>EXHIBIT H</b> ). Testifies in support of SB 848. Mentions that he knows of no opposition to SB 848.
375	Chair Ringo	Explains 848-1 amendments. Introduces Mark Johnson. Notes that SB 848 is clearly focused on Washington County. Asks why SB 848 needs to be drafted to focus on Washington County. Asks why the same issue wouldn't apply to other areas of the state.
385	Kubiak	Explains.
402	Chair Ringo	Asks witness to repeat phrase.
405	Kubiak	Repeats phrase. Continues explaining reasons for focusing SB 848 on Washington County.
415	Sen. Shields	Gives an illustration of why SB 848 is an efficiency bill.
425	Kubiak	States that is correct. Explains in detail.
<b>TAPE 44, A</b>		
012	Mark Johnson	Water Resources Manager, Clean Water Services. Testifies in support of SB 848.
025	Chair Ringo	Closes public hearing on SB 848 and opens work session on SB 848.
<b><u>SB 848 – WORK SESSION</u></b>		
027	Chair Ringo	<b>MOTION: Moves to ADOPT SB 848-1 amendments dated 03/14/05.</b>
		<b>VOTE: 5-0-0</b>
030	Chair Ringo	<b>Hearing no objection, declares the motion CARRIED.</b>
031	Sen. Atkinson	<b>MOTION: Moves SB 848 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-0</b>
034	Chair Ringo	<b>Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.</b>
035	Chair Ringo	Closes work session on SB 848 and opens public hearing on SB 696.
<b><u>SB 696 – PUBLIC HEARING</u></b>		
040	Kristina McNitt	Oregon Water Resources Congress. Submits and reads written testimony in support of SB 696 ( <b>EXHIBIT I</b> ).
070	Chair Ringo	Asks how money would be saved. Wonders if it is because the maps would not have to be redone.
071	McNitt	States that she will use a visual aid at the end of her testimony which will help explain.
075	McNitt	Continues reading testimony ( <b>EXHIBIT I</b> ).
085	Chair Ringo	Asks if the property owner pays anything if they are brought in through an inclusion process.
086	McNitt	Explains in detail.
090	Chair Ringo	Verifies that witness is talking about a situation where the property owner wants to be brought in.
091	McNitt	Confirms this.
092	Chair Ringo	Mentions statement in testimony that said “such an inclusion can

093 McNitt be made without the consent of the property owner.”

094 Chair Ringo Replies yes.

095 McNitt Wonders what the cost will be to a property owner who is included without the property owner’s consent.

096 Chair Ringo Replies zero.

097 McNitt Verifies that is because they are not using any water.

098 McNitt Confirms this.

115 Sen. Burdick Explains using a visual aid.

120 McNitt Asks about effect on allocation.

135 Sen. Burdick Explains.

140 McNitt Wonders what happens to the water right when a user cancels their water but is still in the district.

148 Sen. Burdick States that it would depend on the type of water right. Explains the variety of water rights.

155 McNitt Believes SB 696 makes sense from an administrative standpoint, however she wants to make sure that SB 696 does not alter water rights.

160 Chair Ringo Assures committee that SB 696 does not alter water rights. Offers to provide committee with statutory reference after committee hearing. Explains that SB 696 only deals with the boundaries of the district.

165 McNitt States that SB 696 appears to give the Board of Directors the authority to deny a petition for exclusion, and right now they do not have that authority.

166 Chair Ringo Replies yes.

170 McNitt Makes comments.

174 Chair Ringo Discusses ORS 545.099.

175 Glen Stonebrink States that the Committee Administrator clarified an issue for him.

205 McNitt Oregon Cattlemen Association. Refers to Line 19 of SB 696 and discusses costs. States that he has had some people state uncertainty of SB 696.

217 Chair Ringo Discusses costs.

220 Sen. Beyer Asks if Sen. Beyer has any input since he sponsored SB 696.

221 Chair Ringo States that he does not have any input and that SB 696 was introduced as a courtesy to the irrigation users.

224 Sen. Burdick Asks Sen. Burdick if she has some discomfort with SB 696.

227 Chair Ringo Wants to be reassured that SB 696 will not have any impact on allocation.

230 Adam Sussman Asks if Adam Sussman is prepared to testify.

245 Chair Ringo Water Resources Department (WRD). Addresses Sen. Burdick’s question.

246 Sussman Asks if witness has read SB 696 and if the WRD has any problems with it.

247 Chair Ringo States that he has not read SB 696.

250 Sen. Shields Wants to hold SB 696.

260 Chair Ringo States that it seems like a simple mapping bill. States that he doesn’t have a problem with SB 696.

265 Sen. Burdick Explains that it appears that more authority is being given to the Board of Directors in terms of denying requests for exclusion. Points out concerns raised by Mr. Stonebrink. States that he would like to hold SB 696 and hear from the WRD at a later time.

270 Chair Ringo 696, but she wants to make sure there are not unintended consequences.  
Closes public hearing on SB 696 and opens public hearing on HB 2083.

**HB 2083 – PUBLIC HEARING**

275 Adam Sussman Water Resources Department (WRD). Submits and highlights written testimony in support of HB 2083 (**EXHIBIT J**). States that there is no known opposition to HB 2083.

330 Sen. Burdick Discusses process that the WRD went through to delete obsolete provisions. Asks if this was a directive for all state agencies or whether the WRD took this on.

335 Sussman Responds.

345 Chair Ringo Closes public hearing and opens work session on HB 2083.

**HB 2083 – WORK SESSION**

346 Sen. Atkinson **MOTION: Moves HB 2083 to the floor with a DO PASS recommendation.**

**VOTE: 5-0-0**

348 Chair Ringo **Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.**

353 Chair Ringo Closes work session on HB 2083 and opens public hearing on SJM 4.

**SJM 4 – PUBLIC HEARING**

355 Chair Ringo Explains SJM 4.

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

Scott Silver Executive Director, Wild Wilderness. Submits written testimony in support of SJM 4 (**EXHIBIT K**).

370 Chair Ringo Closes public hearing and opens work session on SJM 4.

**SJM 4 – WORK SESSION**

372 Sen. Atkinson **MOTION: Moves SJM 4 be sent to the floor with a BE ADOPTED recommendation.**

**VOTE: 5-0-0**

Chair Ringo **Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.**

380 Chair Ringo Closes work session and adjourns meeting at 8:05 a.m.

**EXHIBIT SUMMARY**

- A. SB 410, written testimony, Roy Elicker, 2 pp
- B. SB 410, article, Roy Elicker, 23 pp
- C. SB 529, fact sheet and graph, Celeste Crimi, 2 pp
- D. SB 529, -1 amendments, Staff, 2 pp
- E. SB 529, -2 amendments, Staff, 1 p
- F. SB 529, -3 amendments, Staff, 4 pp
- G. SB 848, written testimony, Gerald Kubiak, 1 p
- H. SB 848, -1 amendments, Gerald Kubiak, 1 p
- I. SB 696, written testimony, Kristina McNitt, 2 pp
- J. HB 2083, written testimony, Adam Sussman, 5 pp
- K. SJM 4, written testimony, Scott Silver, 1 p