

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

April 25, 2005
3:00 P.M.

Hearing Room B
Tape 85

MEMBERS PRESENT: Sen. Charlie Ringo, Chair
Sen. Roger Beyer
Sen. Ginny Burdick

MEMBERS EXCUSED: Sen. Jason Atkinson, Vice-Chair
Sen. Frank Shields

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

MEASURES/ISSUES HEARD:

HB 2582 – Public Hearing
HB 2111 – Public Hearing and Work Session
HB 2170 A – Work Session
HB 2668 – 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 85, A		
005	Chair Ringo	Calls meeting to order at 3:05 p.m. Notes that he is the only member present. States that a quorum might not be present today. Opens public hearing on HB 2582.
<u>HB 2582 – PUBLIC HEARING</u>		
020	Brett Kacalek	Owner, Northwest Landscape Service. Relates personal story. Submits written testimony in support of HB 2582 (EXHIBIT A).
039	Chair Ringo	Asks if there is any difference in permission required if an operating nursery is open to the public for retail or not.
041	Kacalek	Responds. Continues relating personal story.
065	Chair Ringo	Asks if witness has seen the letter submitted by the Department of Land Conservation and Development (DLCD) with their requested amendment.
066	Kacalek	Replies no.
067	Chair Ringo	Asks if there is someone from DLCD here to testify.
068	Matt Shields	Committee Administrator. States that there is someone next door at another hearing.
069	Chair Ringo	Explains the amendments requested by DLCD. Says that it seems like it will still serve the witness' purpose. Asks witness to look at the letter.
076	Kacalek	Concludes testimony.
085	Rod Kacalek	Citizen. States support for HB 2582.
087	Chair Ringo	Suggests that witnesses contact Ron Eber with DLCD. Asks witnesses to let him know if they will be okay with the amendments proposed by DLCD.
094	Bill Cross	Oregon Landscape Contractors Association. Testifies in support of HB 2582. States that the Oregon Farm Bureau and the Oregon

Association of Nurserymen are in support of HB 2582. States that the recommendation of DLCD is new and offers to follow up with DLCD. Believes the recommendation will not harm the intent of HB 2582.

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

	Bob Rindy	Farm and Forest Lands Specialist, DLCD. Submits written testimony of Lane Shetterly, Director of DLCD, on HB 2582 (EXHIBIT B) .
108	Chair Ringo	Closes public hearing on HB 2582 and opens public hearing on HB 2111.

HB 2111 – PUBLIC HEARING

115	John Jackley	Highway Division, Oregon Department of Transportation (ODOT). States that HB 2111 does not take money from the Common School Fund. States that HB 2111 resolves a conflict between statute and the constitution over proceeds from either mineral rights or geothermal rights that may be associated with property owned by ODOT. Explains the conflict. Requests support for SB 2111. Submits written testimony (EXHIBIT C) . Asks how long this unconstitutional law has been on the books.
143	Sen. Beyer	Responds.
144	Jackley	Verifies that no funds have been flowing to the Common School Fund.
151	Chair Ringo	Replies not recently. States that there have never been any geothermal proceeds. Discusses proceeds from mineral rights.
152	Jackley	Closes public hearing on HB 2111 and opens work session on HB 2111. (Note: A quorum is now present.)
170	Chair Ringo	

HB 2111 – WORK SESSION

175	Sen. Beyer	MOTION: Moves HB 2111 to the floor with a DO PASS recommendation.
		VOTE: 3-0-2
		EXCUSED: 2 - Atkinson, Shields
176	Chair Ringo	Hearing no objection, declares the motion CARRIED.
		SEN. BEYER will lead discussion on the floor.
177	Chair Ringo	Closes work session on HB 2111 and opens work session on HB 2170 A.

HB 2170 A – WORK SESSION

181	Rod Douglas	Columbia River Steamship Operator's Association and the Maritime Fire and Safety Association. Explains that HB 2170 A continues the task force on Ballast Water Management. Briefly explains each section of HB 2170 A.
193	Chair Ringo	Asks what the impact on ballast water practice would be if HB 2170 A was not passed.
194	Douglas	Responds.
200	Chair Ringo	Asks about a specific change in language in section 6 of HB 2170 A.
201	Douglas	Replies that he does not have the statute in front of him.
205	Chair Ringo	Wonders if it is a substantive change or a clean up of language.
206	Sen. Burdick	Makes comment.
208	Chair Ringo	Wants to recess HB 2170 A.
210	Sen. Beyer	States that both of the statutes are in HB 2170 A. Explains that section two is ORS 783.625 and section five is ORS 783.630.
212	Chair Ringo	Remarks that they should be able to look at HB 2170 A for clarification.

215	Sen. Beyer	Says that the change in language makes HB 2170 A broader. Explains.
221	Douglas	States that the language ensures that ORS 783.625 was actually affected by the penalties.
222	Sen. Burdick	States that she is comfortable with HB 2170 A.
223	Sen. Beyer	MOTION: Moves SB 2170 A to the floor with a DO PASS recommendation.
		VOTE: 3-0-2
		EXCUSED: 2 - Atkinson, Shields
227	Chair	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
228	Sen. Beyer	Asks about fiscal impact statement.
229	Matt Shields	Committee Administrator. States that he has a copy of the fiscal impact statement.
230	Chair Ringo	Says he is not aware of a fiscal impact.
235	Sen. Beyer	Explains fiscal impact statement.
242	Chair Ringo	Closes work session on HB 2170 A and opens public hearing on HB 2668.

HB 2668 – PUBLIC HEARING

245	Phil Stenbeck	Senior Planner, Douglas County Planning Department. States that HB 2668 amends ORS 368 and explains. Explains HB 2668. States that the Douglas County Board of Commissioners requests the committee's support of HB 2668. Submits written testimony (EXHIBIT D) .
272	Chair Ringo	Verifies that witness is not speaking on behalf of the Planning Association, but on behalf of Douglas County Board of Planners.
275	Stenbeck	Confirms this. States that HB 2668 has state wide implications.
276	Chair Ringo	Asks position of the rest of the planners on HB 2668.
277	Stenbeck	Replies that he does not know of any objections to HB 2668.
280	Chair Ringo	Asks who represents the planners. Asks if it is Stephen Kafoury.
281	Stenbeck	States that the Association of Oregon County Planning Directors supports HB 2668. States that the Umpqua Chapter of the Professional Land Surveyor's Association has expressed support for HB 2668.
295	Chair Ringo	Closes public hearing on HB 2668 and adjourns meeting at 3:27 p.m.

EXHIBIT SUMMARY

- A. HB 2582, written testimony, Brett Kacalek, 13 pp**
- B. HB 2582, written testimony of Lane Shetterly, Bob Rindy, 1 p**
- C. HB 2111, written testimony, John Jackley, 1 p**
- D. HB 2668, written testimony, Phil Stenbeck, 2 pp**