

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

April 14, 2003 Hearing Room E
6:00 PM Tapes 55 - 57

MEMBERS PRESENT: Rep. Bill Garrard, Chair
Rep. Dennis Richardson, Vice-Chair
Rep. Cliff Zauner, Vice-Chair
Rep. Robert Ackerman
Rep. Mitch Greenlick
Rep. Diane Rosenbaum

MEMBERS EXCUSED: Rep. Dan Doyle

STAFF PRESENT: Ray Kelly, Committee Administrator
David Peffley, Committee Assistant

MEASURES HEARD: HB 3245 – Work Session
HB 2912 – Work Session
HB 2644 – Work Session
HB 3013 – Work Session
HB 2945 – Work Session
HB 3061 – Work Session
HB 2860 – Work Session
HB 2905 – Work Session

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 55, A 004	Chair Garrard	Calls the meeting to order at 6:12 and opens a work session on HB 3245.
<u>HB 3245 – WORK SESSION</u>		
026	Ray Kelly	Summarizes HB 3245 and introduces the -2 amendments (EXHIBIT A) .
045	Rep. Greg Smith	Testifies with support for HB 3245.
062	Don Miner	Oregon Manufactured House Association. Gives technical expertise as to the -2 amendments and states reasons for the amendments.
092	Linda Ludwig	League of Oregon Cities (LOC). Expresses concerns and testifies that LOC would like to see some changes, while agreeing with the general tenets of HB 3245. Affirms the desire to work the bill in the Senate.
108	Rep. Zauner	MOTION: Moves to ADOPT HB 3245-2 amendments dated 4/2/03.
111		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Doyle

121	Chair Kropf	The motion CARRIES.
124	Rep. Zauner	MOTION: Moves HB 3245 to the floor with a DO PASS AS AMENDED recommendation.
133		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Doyle
136	Chair Garrard	The motion CARRIES. REP. GREG SMITH will lead discussion on the floor.
138	Chair Garrard	Closes the work session on HB 3245 and opens a work session on HB 2912.
The following prepared testimony is submitted for the record without public testimony for HB 3245.		
	Rep. Donna Nelson	Submits (EXHIBIT W) .
<u>HB 2912 – WORK SESSION</u>		
142	Liz Frenkel	League of Women Voters (LWV). Submits (EXHIBIT B) and (EXHIBIT C) and testifies that changes should be addressed responsibly.
194	Ray Kelly	Committee Administrator. Addresses the -1 amendments (EXHIBIT D) , the -2 amendments (EXHIBIT E) and the -3 amendments (EXHIBIT F) .
200	Chair Garrard	Addresses the changes in the amendments from the original bill.
223	Chair Garrard	Recesses the meeting.
224	Chair Garrard	Reconvenes the meeting and states that it is best to move -1, -2, and -3 amendments into a -4 amendment.
227	Rep. Zauner	MOTION: Moves to ADOPT HB 2912-1 amendments dated 3/31/03, HB 2912-2 amendments dated 4/7/03, and HB 2912-3 amendments dated 4/9/03.
233		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Rosenbaum, Ackerman, Doyle
244	Chair Garrard	The motion CARRIES.
252	Chair Garrard	Closes the work session on HB 2912 and opens a work session on HB 2944.
<u>HB 2644 – WORK SESSION</u>		
256	Ray Kelly	Summarizes HB 2644.
273	Dave Barrows	Speaks to the -1 amendments (EXHIBIT G) and speaks to proper management facilities and the importance of passing HB 2344. Speaks to the agreement reached with DEQ.
375	Bob Danko	Department of Environmental Quality (DEQ). Reaffirms Barrows' testimony in support of HB 2344.
380	Rep. Richardson	MOTION: Moves to ADOPT HB 2344-1 amendments dated 4/14/03.
387		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Richardson
393	Chair Garrard	The motion CARRIES.
402	Rep. Richardson	MOTION: Moves HB 2344 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
414		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Doyle
420	Chair Garrard	The motion CARRIES.

424	Chair Garrard	Closes the work session on HB 2344 and opens a work session on HB 3013.
<u>HB 3013 – WORK SESSION</u>		
425	Ray Kelly	Summarizes HB 3013, including the proposed -1 amendments (EXHIBIT H) .
TAPE 56, A		
005	Mike Crennan	Beaver State Ready Mix, Inc.; Beaver State Sand and Gravel. Submits (EXHIBIT I) and testifies in favor of HB 3013. Expresses the sentiment that if not passed, this bill would bankrupt many sand and gravel firms.
122	Frank Griese	Testifies as the losing attorney in a LUBA appeal process in support of HB 3013.
151	Bob Rindy	Department of Land Conservation and Development (DLCD). Testifies in support of HB 3013 in order to put the process back to the way it was before the decision.
184	Rep. Rosenbaum	Asks where one would be unable to get a permit if HB 3013 doesn't pass.
192	Rindy	Addresses the conditional use process. Asserts that the process is not standardized amongst counties.
209	Rep. Rosenbaum	Asks if the case was appealed to the Supreme Court.
213	Griese	Replies that it wasn't and that most likely, there are no grounds for appeal.
217	Chair Garrard	Asks the name of the court case.
218	Griese	Answers that the case is Beaver State Sand and Gravel v. Douglas County, Austin, and the Department of Land Conservation and Development.
221	Rep. Greenlick	Asks Rindy the definition of <i>major</i> as it relates to this case.
226	Rindy	States concern with the precedent of this case.
231	Rep. Greenlick	Asks about the difference in significant and non-significant sites.
240	Rindy	Cites a 1986 ruling of the meaning of significant as it relates to this issue.
272	Rep. Ackerman	Asks if it is theoretically possible for local governments to incorporate goals or standards consistent with Goal 5.
280	Rindy	Replies that he is not sure. Addresses the Goal 5 process.
304	Doug Tindall	Submits (EXHIBIT J) and testifies in favor of HB 3013 as it is necessary to ensure that conditional approval for small, non-significant aggregate sites can continue.
330	Gary Lynch	Oregon Department of Geology and Mineral Industries (DOGAMI). Details the permit process and affirms that it would be valuable to maintain that process.
350	Rep. Richardson	Asks Lynch about permanent versus temporary facilities.
357	Lynch	States that it is a convoluted process and notes that the majority of DOGAMI's nine hundred sites are sanctioned under the permit process.
380	Rep. Richardson	Asks about restoration at the end of the period of time.
383	Lynch	Addresses the restoration.
393	Rep. Richardson	Asks for clarification of his understanding of the secondary reclamation use.
410	Carrie MacLaren	1000 Friends of Oregon. Speaks in opposition to HB 3013 because of its adverse effect on farmland. Asserts that it would allow mining irregardless of farmland.
425	Chair Garrard	Asks if the bill gives the option to the local government.
429	MacLaren	Notes that it does not set any state requirements.
435	Chair Garrard	Clarifies MacLaren's assertion that state authority should have

		jurisdiction over local authority.
450	MacLaren	Restates that 1000 Friends' position is that the regulatory floor which previously existed should be retained.
TAPE 55, B		
020	MacLaren	Continues with concerns about removing regulations. Also affirms that this bill would not return the state to the climate of before the Beaver State case.
024	Chair Garrard	Interjects ODOT's earlier testimony that sand and gravel companies will bankrupt without this bill.
029	MacLaren	Responds with 1000 Friends' proposal to alleviate the hardships on sand and gravel companies.
036	Rep. Greenlick	References the -1 amendments and asks for clarifications.
042	MacLaren	Agrees with Rep. Greenlick's interpretation.
050	Rep. Greenlick	Asks MacLaren if the -1 amendments alleviate 1000 Friends' concerns.
052	MacLaren	Affirms that the -1 amendments increase 1000 Friends' comfort level.
064	Don Schellenberg	Oregon Farm Bureau (OFB). Agrees that this bill has a significant impact. Addresses Goal 5 as it relates to HB 3013. Discusses the differences in significant and non-significant sources.
103	Chair Garrard	Asks if OFB is comfortable with the bill as amended.
106	Schellenberg	Replies that they are and states that they would like to submit their own amendments.
110	William Austin	Submits (EXHIBIT K) and testifies against HB 3013 in that it would have a negative impact on farm land. States support for amended version with OFB amendment.
148	Randy Henderson	Asserts that the agricultural industry and the gravel industry are mutually exclusive and in competition with each other. Asserts that jobs are not at stake and speaks in support of OFB's amendments.
178	Chair Garrard	Closes the work session on HB 3013.
179	Chair Garrard	Reopens the work session on HB 3013.
185	Bob Wright	Testifies to the size of the Douglas County aggregate site in question.
230	Art Schlack	Association of Oregon Counties (AOC). Testifies in favor of HB 3013 as consistent with Goal 5.
280	Rich Angstrom	Oregon Concrete Aggregate Producers Association (OCAPA). Submits (EXHIBIT L) and (EXHIBIT M) and testifies to the conditions which mining aggregates have to follow.
346	Chair Garrard	Closes the work session on HB 3013 and opens a work session on HB 2945
<u>HB 2945 – WORK SESSION</u>		
350	Kelly	Summarizes HB 2945.
363	Gary Lynch	DOGAMI. Submits (EXHIBIT N) and speaks to the -1 amendments (EXHIBIT O) which will strengthen DOGAMI's authority with regard to water rights.
391	Adam Sussman	Submits (EXHIBIT P) and (EXHIBIT Q) and reaffirms Lynch's testimony in support of HB 2945.
403	Rep. Zauner	MOTION: Moves to ADOPT HB 2945-1 amendments dated 4/9/03.
411		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Doyle

422 Chair Garrard The motion CARRIES.
 TAPE 56, B
 024 Rep. Zauner MOTION: Moves HB 2945 to the floor with a DO PASS AS AMENDED recommendation.
 032 VOTE: 6-0
 AYE: In a roll call vote, all members present vote Aye.
 EXCUSED: 1 - Doyle
 037 Chair Garrard The motion CARRIES.
 Rep. RICHARDSON will lead discussion on the floor.
 039 Chair Garrard Closes the work session on HB 2945 and opens a work session on HB 3061.

HB 3061 – WORK SESSION

041 Jon Chandler Submits (EXHIBIT R) and testifies in favor of HB 3061 to allow the County chair to sign a subdivision plat.
 052 Rep. Richardson MOTION: Moves to ADOPT HB 3061-1 amendments dated 4/2/03, (EXHIBIT S).
 055 VOTE: 6-0
 AYE: In a roll call vote, all members present vote Aye.
 EXCUSED: 1 – Doyle
 060 Chair Garrard The motion CARRIES.
 064 Rep. Richardson MOTION: Moves HB 3061 to the floor with a DO PASS AS AMENDED recommendation.
 065 VOTE: 6-0
 AYE: In a roll call vote, all members present vote Aye.
 EXCUSED: 1 – Doyle
 066 Chair Garrard The motion CARRIES.
 068 Rep. Richardson MOTION: Moves HB 3061 be placed on the CONSENT CALENDAR.
 069 VOTE: 6-0
 EXCUSED: 1 – Doyle
 070 Chair Garrard Hearing no objection, declares the motion CARRIED.
 073 Chair Garrard Closes the work session on HB 3061 and opens a work session on HB 2860.

HB 2860 – WORK SESSION

075 Ray Kelly Summarizes HB 2860, the fiscal impact of the legislation, and the -1 amendments (EXHIBIT T).
 093 Jon Chandler Speaks to the effects of the -1 amendments and the possible fiscal impact of the bill. Announces that -2 amendments may potentially follow.
 122 Rep. Rosenbaum States concern about the substantiveness of these amendments.
 130 Chandler Discusses moving the language in the amendments.
 143 Chair Garrard Asks how quickly we can work this bill.
 146 Hunnicutt Replies that they can get it done quickly if Legislative Council can accomplish the task.
 155 Tucker 1000 Friends of Oregon. Notes that they haven't had time to look at the bill.
 161 Chair Garrard Closes the work session on HB 2860 and opens a work session on HB 2905.

HB 2905 – WORK SESSION

173 Rep. Greenlick Testifies in favor of his bill, HB 2905 addressing improvements to Forest Park. Notes problems in the development of the park and how HB 2905 plans to address the problems. Introduces the -1 amendments (EXHIBIT U).
 261 Rep. Richardson Asks about the cost to the State of Oregon.

264	Rep. Greenlick	States that it shouldn't cost any extra money than that already appropriated to DLCDC.
270	Al Burns	City of Portland. Submits (EXHIBIT V) and states concerns. Gives support for the concept of this legislation, but states that the City of Portland can not support the bill without some key amendments.
321	Arnold Rocklin	Vice-President, Forest Park Neighborhood Association. States that land owners in the Forest Park Neighborhood strongly support this legislation and testifies in favor of the passage of HB 2905.
350	Chair Garrard	Asks if Rep. Greenlick is open to working this bill.
354	Rep. Greenlick	Affirms that he is.
370	Burns	States that he would also be open to working the bill on the senate side.
382	Doug Riggs	METRO. States support for HB 2905, but with some concerns regarding Goal 5. States concern for the fiscal impact.
411	Dave Hunnicutt	Testifies on behalf of Dorothy English. States that this bill would devalue English's land.
TAPE 57, A		
010	Rep. Greenlick	MOTION: Moves to ADOPT HB 2905-1 amendments dated 3/28/03.
017		VOTE: 4-2 AYE: 4 - Ackerman, Greenlick, Rosenbaum, Garrard NAY: 2 - Richardson, Zauner EXCUSED: 1 - Doyle
023	Chair Garrard	The motion CARRIES.
026	Rep. Greenlick	MOTION: Moves HB 2905 to the floor with a DO PASS AS AMENDED recommendation.
032		VOTE: 5-1 AYE: 5 - Ackerman, Greenlick, Richardson, Rosenbaum, Garrard NAY: 1 - Zauner EXCUSED: 1 - Doyle
037	Chair Garrard	The motion CARRIES.
039	Chair Garrard	REP. GREENLICK will lead discussion on the floor. Closes the work session on HB 2905 and adjourns the meeting at 8:21 PM.

EXHIBIT SUMMARY

- A – HB 3245, -2 amendments, staff, 8 pp.
- B – HB 2912, written testimony, Liz Frenkel, 1 p.
- C – HB 2912, written testimony, Liz Frenkel, 8 pp.
- D – HB 2912, -1 amendments, staff, 1 p.
- E – HB 2912, -2 amendments, staff, 1 p.
- F – HB 2912, -3 amendments, staff, 1 p.
- G – HB 2644, -1 amendments, staff, 1 p.
- H – HB 3013, -1 amendments, staff, 1 p.
- I – HB 3013, written testimony, Mike Crennan, 1 p.
- J – HB 3013, written testimony, Doug Tindall, 1 p.

K – HB 3013, written testimony, William Austin, 11 pp.
L – HB 3013, written testimony, Rich Angstrom, 2 pp.
M – HB 3013, written testimony, Rich Angstrom, 3 pp.
N – HB 2945, written testimony, Gary Lynch, 1 p.
O – HB 2945, -1 amendment, Gary Lynch, 1 p.
P – HB 2945, written testimony, Adam Sussman, 2 pp.
Q – HB 2945, written testimony, Adam Sussman, 2 pp.
R – HB 3061, written testimony, Jon Chandler, 1 p.
S – HB 3061, -1 amendments, staff, 1 p.
T – HB 2860, -1 amendments, staff, 3 p.
U – HB 2905, -1 amendments, Rep. Greenlick, 1 p.
V – HB 2905, written testimony, staff, 4 pp.

The following exhibit is listed out of order in the body of the tape log:

W – HB 3245, written testimony, Rep, Donna Nelson, 1 p.