

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

April 24, 2003 Hearing Room E
8:30 AM Tapes 65 - 66

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

MEMBER EXCUSED: Rep. Cliff Zauner, Vice-Chair

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

MEASURES HEARD: **HB 2468 – Work Session**
 SB 94A – Public Hearing and Work Session
 SB 251A – Public Hearing and Work Session
 HB 2909 – 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 65, A		
003	Chair Garrard	Calls meeting to order at 8:48 and opens a work session on HB 2468.
<u>HB 2468 – WORK SESSION</u>		
012	Ray Kelly	Summarizes the -4 amendments (EXHIBIT A).
030	Rep. Bob Jenson	Announces that the -4 amendments are of the gut and stuff variety. States that HB 2468 -4 gives ODFW additional tools to manage wildlife. Speaks to animals on the Oregon Endangered Species Act (ESA) which should be removed from the list.
139	Chair Garrard	Recesses the work session on HB 2468 and opens a public hearing on SB 94A.
<u>SB 94A – PUBLIC HEARING</u>		
145	Senator Ferrioli	Testifies in favor of SB 94A which addresses concerns stated by the cities of Eugene and Portland. Addresses the changes in the A-engrossed version.
186	Rep. Greenlick	Asks for clarification on Item B on Line 19.
195	Sen. Ferrioli	Clarifies the issue for Rep. Greenlick. Continues testimony on the A-engrossed changes.
250	Douglas Hardy	City of Portland. Submits (EXHIBIT B) and testifies in support of SB 94A. Addresses the effects of the bill and the implications of the 120-day clock.
313	Rep. Greenlick	Asks for clarification on the timeline.
318	Hardy	Clarifies the timeline for Rep. Greenlick.

331	Rep. Greenlick	Asks for clarification of the fourth possibility and whether it starts the clock or not.
350	Hardy	Addresses the fourth possibility and the 180-day clock.
373	Rep. Greenlick	Expresses concern that the bill does not clarify the issue.
381	Marge Kafoury	City of Portland. Clarifies the issue for Rep. Greenlick and continues with the developmental history of the bill.
410	Linda Ludwig	League of Oregon Cites (LOC). Indicates support for SB 94A. States that it does produce some clarity and certainty.
425	Jon Chandler	Reaffirms Kafoury's assertion that the bill was worked out amongst a widespread coalition.
458	Chair Garrard	Closes the public hearing on SB 94A and opens a work session on SB 94A.

TAPE 66A

SB 94 A – WORK SESSION

004	Rep. Rosenbaum	MOTION: Moves SB 94A to the floor with a DO PASS recommendation.
009		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Doyle, Zauner
012	Chair Garrard	The motion CARRIES.
013	Rep. Garrard	MOTION: Moves SB 94A be placed on the CONSENT CALENDAR.
014		VOTE: 5-0 EXCUSED: 2 - Doyle, Zauner
015	Chair Garrard	Hearing no objection, declares the motion CARRIED.
017	Chair Garrard	Closes the work session on SB 94A and reopens a work session on HB 2468.

The following prepared testimony was submitted for the record without public testimony for SB 94A.

Jason Heuser

Submits (**EXHIBIT E**)

HB 2468 – WORK SESSION

020	Jim Myron	States the Governor's support for HB 2468 with the -4 amendments.
045	Roy Elicker	Deputy Director, Oregon Department of Fish and Wildlife (ODFW). Submits (EXHIBIT C) and addresses the changes brought about by the -4 amendments to HB 2468, notably that a plan must be provided in order to remove a species from the ESA.
105	Rep. Richardson	Asks if there is any opposition to the -4 amendments.
109	Elicker	States that not all parties have seen the amendments, thus he's not sure.
120	Rep. Richardson	Asks why the current language is being amended.
127	Ron Anglin	ODFW. Explains the change in language as providing ODFW with more flexibility.
135	Rep. Rosenbaum	Asks about the change in language at the bottom of Page 11.
141	Anglin	States that this passage mirrors federal language and states the reasons for its inclusion.
149	Rep. Rosenbaum	States concern that this language seems arbitrary.
152	Anglin	Addresses Rep. Rosenbaum's concern.
162	Elicker	Reaffirms the fact that the bill mirrors federal language.
176	Steven Kafoury	Wildlife Society. Comments that his wildlife biologists haven't had a chance to see the amendments and asks for a 24-hour review. States some initial concerns with the amendments.
260	Chair Garrard	States the intent to move the bill this morning due to time factors

		and hopes that Kafoury's concerns will be addressed on the Senate side.
272	Kafoury	Asks for Chair Garrard's permission to use his name in Senate negotiations.
280	Martin Taylor	Sierra Club. Also states that he'd like time for the Sierra Club to look at the amendments, but his initial impression is that they may be acceptable. States two potential concerns with the -4 amendments.
351	Rep. Greenlick	States that he'd like to understand the the drafters' intentions with regard to the language.
359	Rep. Doyle	States that he believes that legal council will alleviate Taylor's concerns. Asks Greg Chaimov from Legislative Council to clarify the language.
392	Greg Chaimov	Legislative Council. Clarifies the intent of the language.
406	Taylor	Addresses another concern contained in Section 2 relating to take.
426	Al Elkins	Oregon Hunter's Association (OHA). States that OHA's concerns can probably be worked out in the Senate.
433	Greg Addington	Also states that they would like to move the bill and work on fine-tuning the legislation in the Senate.
445	Glen Stonebrink	Also states that they would like to work on the bill in the Senate. Expresses concern for the costs involved in potential recovery as mentioned in the bill.
TAPE 65, B		
013	Stonebrink	Continues testimony on concerns he would like to address in the Senate.
029	Rep. Greenlick	States that good work has been done on this bill and affirms that he will vote to move it along.
036	Rep. Doyle	MOTION: Moves to ADOPT HB 2468-4 amendments dated 4/24/03.
040	Rep. Ackerman	Comments on the amended language.
044		VOTE: 6-0
		EXCUSED: 1 - Zauner
045	Chair Garrard	Hearing no objection, declares the motion CARRIED.
048	Rep. Doyle	MOTION: Moves HB 2468 to the floor with a DO PASS AS AMENDED recommendation.
051		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Zauner
052	Chair Garrard	The motion CARRIES.
		REP. JENSON will lead discussion on the floor.
055	Chair Garrard	Closes the work session on HB 2468 and opens an public hearing on SB 251A
<u>SB 251A – PUBLIC HEARING</u>		
063	Ray Kelly	Committee Administrator. Summarizes SB 251A.
076	Bob Rindy	Department of Land Conservation and Development (DLCD). Notes that this bill is an amendment of a flaw in the legislation from the 2001 session. Testifies in favor of SB 251 as correcting the aforementioned problem.
115	Rep. Greenlick	Asks for clarification on the correction in this bill.
122	Rindy	States that the changes would not force DLCD to change their practices.
133	Rep. Greenlick	Asks for further clarification with regard to manufactured housing.

142	Rindy	Addresses the intended changes in the ORS and that the real changes are in Line 11.
156	Rep. Ackerman	Asks if there is an inconsistency in Section 1 as stated.
170	Rindy	Clarifies Section 1 as it relates to ORS 197.296.
180	Rep. Ackerman	States that he still questions the consistency.
196	Jon Chandler	Legislative Advocates. Clarifies intent and reiterates Rindy's assertion that the intent is to correct a legislative wrong.
222	Rep Ackerman	Thinks that there could be a better way to address this issue, but understand the concern.
230	Rep. Greenlick	References the ORS and asks for further delineation of the wording involved.
235	Chandler	Clarifies the questionable wording.
242	Rep. Greenlick	Asks if the North Plains' decision had any bearing on this legislation.
247	Rindy	Addresses the North Plains' case and the decision.
262	Chair Garrard	Asks Linda Ludwig's opinion of these changes.
271	Linda Ludwig	League of Oregon Cities (LOC). States that LOC did not take a position on this bill and that they continue not to take a position.
290	Rep. Greenlick	Asks for further confirmation on LCDC's jurisdiction.
304	Ludwig	Gives precedent for this case.
314	Rindy	Expresses LCDC's concern of the effect of not passing this bill.
320	Rep. Greenlick	Asks if LCDC has taken the necessary action.
327	Rindy	Replies that theoretically, they have.
338	Rep. Greenlick	Asks for further clarification.
368	Rindy	States legislative intent.
376	Rep. Greenlick	States that he is becoming a little more comfortable with this issue.
404	Chair Garrard`	Closes the public hearing on SB 251A and opens a work session on SB 251A.

SB 251A – WORK SESSION

411	Rep. Doyle	MOTION: Moves SB 251A to the floor with a DO PASS recommendation.
414		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Richardson, Zauner
422	Chair Garrard	The motion CARRIES.
431	Rep. Doyle	MOTION: Moves SB 251A be placed on the CONSENT CALENDAR.
435		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Zauner, Richardson
438	Chair Garrard	The motion CARRIES.
440	Chair Garrard	Closes the work session on SB 251A and opens a work session HB 2909.

HB 2909

4440	Ray Kelly	Committee Administrator. Announces the -2 amendments (EXHIBIT D) .
TAPE 66, B		
010	Jon Chandler	States that even with the amendments, HB 2909 needs more work, which they hope to address on the Senate side. Gives the present state of the bill.
059	Chair	Asks if one week is enough time to address the necessary changes. Recesses the meeting at about 10:20.
059	Chair	Reconvenes the meeting at 10:26 and announces that Chandler

has until next Thursday to bring the bill together. Closes the works session and adjourns the meeting at 10:27 A.M.

EXHIBIT SUMMARY

A – HB 2468, -4 amendments, staff, 12 pp.

B – SB 94A, written testimony, Douglas Hardy, 6 pp.

C – HB 2468, written testimony, Roy Elicker, 2 pp.

D – HB 2909, -2 amendments, staff, 35 pp.

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

E – SB 94A, written testimony, Jason Heuser, 1 p.