

# SENATE COMMITTEE ON RULES

July 1, 2003  
1:30 P.M.

Hearing Room B  
Tapes 76 - 79

**MEMBERS PRESENT:** Sen. Bev Clarno, Co-chair, Presiding  
Sen. Kate Brown, Co-chair  
Sen. Jason Atkinson, Vice-chair  
Sen. Ginny Burdick, Vice-chair  
Sen. Roger Beyer  
Sen. Tony Corcoran

**STAFF PRESENT:** Jim Stembridge, Committee Administrator  
Jeana Harrington, Committee Assistant

**MEASURES HEARD:** SB 902 – Public Hearing  
HB 3632A – Public Hearing  
Executive Appointments  
Oregon Liquor Control Commission  
Phil Lang  
Robert Rice  
State Parks and Recreation Commission  
David Kottkamp  
Work Session – Consideration of legislative concepts for drafting and  
introduction  
HB 3272A – Work Session  
HB 2617A – Public Hearing

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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 76, A</b>		
005	Co-chair Clarno	Calls meeting to order at 1:37 P.M. Opens public hearing on SB 902.
<b><u>SB 902 – PUBLIC HEARING</u></b>		
008	Jim Stembridge	Committee Administrator. Summarizes SB 902.
012	Sen. Bill Fisher	Senate District 1. Testifies in favor of SB 902.
027	Rep. Wayne Krieger	House District 1. Testifies in favor of SB 902. Notes the problems relating to transportation of flammable liquids. States his wishes to further the efforts on reducing the markup on fuel.
063	Co-chair Clarno	Appreciates the efforts on the measure.
066	Brian Bollock	Project Coordinator, Port of Brookings Harbor. Explains his position. Testifies in support of SB 902. Informs of the process behind purchasing and transporting fuel. Speaks on the competition among prices for fuel. Notes the Oregon Coast was neither included in reduced prices nor part of the competition.
111	Sen. Burdick	Asks whether stations would require full service gas services.
114	Bollock	Affirms as it is in adherence with Oregon law.
116	Sen. Burdick	Clarifies there will be no “car locks” on gas tanks.
119	Bollock	Responds there would not be “car locks” as stations would be public.

123	Sen. Burdick	Clarifies and requests Mr. Doherty's position of employment.
126	Bollock	Answers he manages a fuel station at a marina.
130	Sen. Corcoran	Questions the bill is a request for larger government. Notes Sen. George's tendency toward smaller government.
133	Sen. George	Concurs. Offers an alternative perspective and reasoning behind support of the measure. Speaks on the unfair advantage to small business and to the coastal operations.
147	Sen. Corcoran	Remarks.
152	Bollock	Offers an editorial from his local paper concerning Fred Meyer gas prices ( <b>EXHIBIT A</b> ). Summarizes the article for the committee.
176	Sen. George	Speaks further on gas prices.
187	Paul Romain	Oregon Petroleum Manufacturers Association (OPMA). Testifies in opposition to SB 902. Informs the committee of an article on the issue. Speaks on competition among stations and related compensation.
257	Sen. Corcoran	Poses question regarding gas prices in California.
259	Romain	Responds the price of gas is much higher in California.
268	Brian Doherty	Western States Petroleum Association. Testifies in opposition to SB 902 ( <b>EXHIBIT B</b> ). Provides history behind gas price distributions.
325	Romain	Suggests the potential for a supply line as an economic development project.
335	Co-chair Clarno	Refers to a note from Sen. Fisher stating that the most recent gas the Port of Coos Bay purchased was \$1.42 a gallon from Sacramento.
343	Steve O'Toole	Executive Director, OPMA. Speaks on temporary volume allowances regarding competition.
369	Co-chair Clarno	Closes public hearing on SB 902. Opens public hearing on HB 3632A.

**HB 3632A – PUBLIC HEARING**

372	Jim Stembridge	Committee Administrator. Summarizes HB 3632A.
380	Rep. Lane Shetterly	House District 23. Testifies in support of HB 3632A. Informs of the committee vote in House Revenue and on the floor on the measure. Speaks on the benefits of HB 3632A.

**TAPE 77, A**

020	Rep. Shetterly	Responds to opposing viewpoints encountered on the measure. Suggests the committee consider the bill as the alternative costs would not be acceptable to the citizens of Oregon. Believes the bill provides a balance for economic revitalization and environmental standards. Speaks on state forest lands.
125	Co-chair Clarno	Appreciates Rep. Shetterly's work on the measure.
130	Rep. Shetterly	Emphasizes no money is anticipated for the measure and that the bill could eventually obtain revenue. Notes the bill will not be a "quick fix" to the economy.
137	Co-chair Clarno	Comments.
143	Sen. Burdick	Asks if trees with Swiss Needle Disease are usable timber.
146	Rep. Shetterly	Affirms and explains the disease inhibits growth of timber. Explains the objective is to move the infected trees out.
150	Sen. Burdick	Concurs that changes be made on the issue. Requests a provision in the bill regarding harvest.
160	Rep. Shetterly	Responds it was not intended and merely overlooked.
164	Sen. Burdick	Refers to section one of HB 3632A and restates her issue.
170	Rep. Shetterly	Responds regarding limitations on sustainable harvest.

180	Sen. Brown	Assumes that there is no public benefit from use of private lands. Poses question regarding public benefit.
190	Rep. Shetterly	Replies regarding private forest lands and their purpose. Speaks on the history behind them.
217	Sen. Brown	Questions Rep. Shetterly earlier statement on state forest lands.
220	Rep. Shetterly	Responds it was not his intent to imply that state forest lands had been neglected.
240	Steve Thomas	Board of Forestry. Testifies in opposition to HB 3632A. Introduces himself and defers to Mr. Holloway.
255	Ross Holloway	Oregon Department of Forestry (ODF). Testifies in opposition to HB 3632A ( <b>EXHIBIT C</b> ). Refers to attachment regarding the Tillamook State Forest ( <b>C</b> ). Speaks on the specific improvements and projects ODF has instituted. Notes the counties are directly supporting the efforts of ODF. Explains the specific opposition to the bill.
394	Charlie Stone	Assistant State Director, ODF. Testifies in opposition to HB 3632A. Speaks on the requirements of the Forest Practices Act.
<b>TAPE 76, B</b>		
020	Sen. Brown	Provides her perspective on the measure. Requests what detriment the bill will inflict on Oregonians.
025	Stone	Responds with regard to regulation of forest lands. Voices concern over changing forest management practices.
045	Co-chair Clarno	Clarifies he stated practices were more restrictive on private land than on state land.
048	Stone	Negates. Explains that the Forest Practices Act covers certain practices. Points out that the structure of the bill ultimately amends part of the Forest Practices Act.
069	Helen Westbrook	Clatsop County Board of Commissioners. Testifies in opposition to HB 3632A ( <b>EXHIBIT D</b> ). Lists reasons for opposition.
094	Sen. Brown	Asks how many members serve on commission.
095	Westbrook	Answers five.
096	Sen. Brown	Requests the vote.
097	Westbrook	Answers four to one.
100	Linda Modell	Benton County Board of Commissioners. Testifies in opposition to HB 3632A. Lists reasons for opposition to the bill. States disappointment regarding harvest levels. Speaks on jobs in Benton County.
167	Tim Josi	Tillamook County Board of Commissioners; Vice Chair, Forest Trust Land Council. Testifies in opposition to HB 3632A ( <b>EXHIBIT E</b> ). Notes he is opposed to the bill although the other two member of the Tillamook County board are in favor. Explains that both organizations do not support the bill overall. Refers the committee to <b>EXHIBIT E</b> to explain the State Forest Management Plan (SFMP). Overviews and explains the graphs included in <b>EXHIBIT E</b> . Concludes that the current SFMP could be a model for the nation.
364	Sen. Beyer	Comments concerning the statements made on congressional and court involvement.
375	Josi	Responds regarding unintended impact by legislation.
388	Sen. Beyer	Remarks.
404	Howard Sohn	Board of Forestry. Testifies in opposition to HB 3632A ( <b>EXHIBIT F</b> ). Lists concerns with the measure.
<b>TAPE 77, B</b>		
029	Sen. Brown	Speaks on the Oregon Plan and poses question.

033	Sohn	Responds regarding the Oregon Plan.
040	Sen. Brown	States she would concur with Mr. Sohn's statements if made under the Clinton administration.
043	Sohn	Responds. Speaks on increased harvests and on the goals of the Board of Forestry and the DOF. States his beliefs of the SFMP contributions. Voices concern with the bill as he believes it is unnecessary.
100	Co-chair Clarno	Closes public hearing on HB 3632A. Opens work session on Executive Appointments.

**WORK SESSION**

110	Sen. Brown	<p><b>MOTION: Moves that appearances be waived and that the</b></p> <p style="padding-left: 40px;"><b>committee recommend the following appointments be confirmed by the Senate, with multiple appointments made to a single board of commission to be considered en bloc.</b></p>
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**OREGON LIQUOR CONTROL COMMISSION – APPOINTMENT OF PHIL LANG AND BOB**

**RICE (EXHIBIT G)**

**STATE PARKS AND RECREATION COMMISSION – APPOINTMENT OF DAVID KOTTKAMP**

**(EXHIBIT H)**

125	Co-chair Clarno	<p><b>VOTE: 4-0-2</b></p> <p><b>EXCUSED: 2 - Burdick, Corcoran</b></p> <p><b>Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.</b></p>
130	Co-chair Clarno	Closes work session on Executive Appointments. Opens work session for consideration of legislative concepts for drafting and introduction.

**WORK SESSION**

141	Sen. Brown	<p><b>MOTION: Moves legislative concepts 1 through 8, requested by</b></p> <p style="padding-left: 40px;"><b>staff, BE APPROVED FOR DRAFTING by Legislative Counsel and BE INTRODUCED as committee bills</b></p>
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**(EXHIBIT I).**

151	Co-chair Clarno	<p><b>VOTE: 4-0-2</b></p> <p><b>EXCUSED: 2 - Burdick, Corcoran</b></p> <p><b>Hearing no objection, declares the motion CARRIED.</b></p>
153	Co-chair Clarno	Closes work session on legislative concepts. Opens work session on HB 3272A.

**HB 3272A – WORK SESSION**

156	Jim Stembridge	Committee Administrator. Summarizes HB 3272A. Notes –A8 conflict amendments <b>(EXHIBIT J)</b> .
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164	Sen. Beyer	<b>MOTION: Moves to ADOPT HB 3272A-A8 amendments dated</b>
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7/1/03.

167		<b>VOTE: 5-0-1</b>
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173 Co-chair Clarno  
Sen. Beyer **EXCUSED: 1 – Burdick**  
**Hearing no objection, declares the motion CARRIED.**  
**MOTION: Moves HB 3272A to the floor with a DO PASS**  
**AS**

177 **AMENDED recommendation.**  
**VOTE: 5-0-1**  
Co-chair Clarno **EXCUSED: 1 – Burdick**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. BEYER will lead discussion on the floor.**

The following prepared testimony is submitted for the record without public testimony for HB 3272A:

180 Linda Modrell Submits written testimony (**EXHIBIT K**)  
Co-chair Clarno Closes work session on HB 3272A. Opens public hearing on HB 2617A.

**HB 2617A – PUBLIC HEARING**

185 Jim Stembridge Committee Administrator. Summarizes HB 2617A. Notes the -  
A6 amendments (**EXHIBIT L**)  
195 Oran Teater Mayor, City of Bend. Testifies in support of HB 2617A. Notes  
there are no shovel-ready parcels in Bend. Speaks on the land use  
planning process and related costs. Believes Bend and other  
cities need contiguous land for industrial use. Notes the cities  
will still have to go through the current land use approval process  
by the bill.  
257 Doug Riggs Central Oregon Cities Organization. Testifies in support of HB  
2617A (**EXHIBIT M**). Lists the goals and allowances of the  
measure. Refers committee to chart to illustrate urban growth  
boundary (UGB) expansion (**M**).  
290 Co-chair Clarno Asks if the -A7 amendments belong to Mr. Riggs (**EXHIBIT N**).  
293 Riggs Affirms.  
295 Co-chair Clarno Requests Mr. Riggs explain the -A7 amendments to HB 2617A  
to committee members prior to a work session on the bill.  
300 Riggs Agrees. Submits two other written exhibits (**EXHIBITS O & P**).  
320 Sen. Atkinson Asks about Southern Oregon's definition in the bill.  
323 Riggs Concurs.  
325 Sen. Brown Asks if Bend has done a needs analysis.  
330 Teater Responds it is currently being completed.  
335 Riggs Speaks on the need study done by Bend two years ago and  
suggests it is not representative as the economy of Bend has  
changed greatly in that time. Justifies the current study.  
362 Sen. Brown Poses additional question on the study.  
364 Teater Negates.  
370 Kate Kimball Central Oregon Representative, 1,000 Friends of Oregon.  
Testifies in opposition to HB 2617A.

**TAPE 78, A**

002 Kimball Speaks on Bend's plan to expand the UGB. Believes the state has  
shown there is no emergency and thus, the bill is unnecessary.  
Requests the committee allow for Bend to work on its own  
expansion.  
038 Co-chair Clarno Closes public hearing on HB 2617A. Opens public hearing on  
HB 3632A.

**HB 3632A – PUBLIC HEARING**

043 Paul Hanneman Tillamook County Commissioner. Testifies in support of HB  
3632A (**EXHIBIT Q**). Addresses the major issues involved with  
the bill. Speaks on his experience with related issues. Informs the

committee of timber harvests. Believes the bill provides a balance.

115 Sen. Brown Recalls Mr. Sohn’s concerns regarding political backlash motivating the environmental community to begin initiative. Informs of Mr. Sohn’s comments on the Oregon Plan, Endangered Species Act, and Clean Water Act. Asks if he concurs with Mr. Sohn’s comments.

120 Hanneman Disagrees with both of the statements. Continues regarding the forests.

148 Tina Swanson Swanson Group. Testifies in support of HB 3632A. Provides history of the Swanson Group regarding forest processes. Accounts for the use of timber by the business.

200 Rob Freres Freres Lumber Company. Testifies in support of HB 3632A. Lists reasons for support of the bill.

245 Les Helgeson Native Fish Society (NFS). Testifies in opposition to HB 3632A. Endorses the comment of the Board of Forestry. Notes the Native Fish Society has not supported any change to the SMFP. Speaks on forest inventory conducted by the DOF.

317 Sen. Brown Asks about the NFS position on a related initiative.

323 Helgeson States NFS has not concurred on a position yet.

333 Tom Wolf Oregon Council, Trout Unlimited. Testifies in opposition to HB 3632A. Informs committee of the council.

352 Bob Rees Coastal Fishing Guide. Testifies in opposition to HB 3632A **(EXHIBIT R)**. Speaks on coastal fish watersheds. Notes that increased forest harvest negatively affect coastal watersheds.

403 Mike Propes Polk County Commissioner. Testifies in support of HB 3632A. Speaks on statements made by Commissioner Josi in opposition of HB 3632A. Speaks on the efforts by counties on the SFMP. Suggestions alternatives to the current implementation of the Oregon Forest Plan. Notes policy decisions are for the Legislature. States that the SFMP established by the DOF is the finest in the nation.

**TAPE 79, A**

105 Co-chair Clarno Concurs.

110 Dave Ivanoff Hampton Affiliates. Testifies in support of HB 3632A. Recalls the genesis of an economic model regarding the Oregon Forest Plan. Refers committee to an implementation plan relative to the SFMP **(EXHIBIT S)**. Discusses the revenue impact block **(S)** and notes he concurs with the revenue impact statement. Summarizes that the state timber lands are an integral part of economic development and continuance in Oregon. Voices disagreement with prior comments suggesting a negative impact of HB 3632A on the SFMP. Submits that non-productive lands should be repaired and believes HB 3632A will provide that. Concludes that the bill provides balance.

289 Ray Wilkinson Oregon Forest Industries Council (OFIC). Testifies in support of HB 3632A **(EXHIBIT T)**. Speaks on the Oregon Forest Practices Act. Disagrees with the notion that the Forest Practices Act is a “weak law”. Counters opposing viewpoints. Believes Oregon citizens support the bill.

**TAPE 78, B**

006 Mari Anne Gest Executive Director, Tillamook Rainforest Coalition. Testifies in opposition to HB 3632A **(EXHIBIT U)**. Recalls the discussion of the House Revenue Committee on the measure. Believes

		Oregonians would reject the measure. Speaks on job creation by the bill. States timber products are at an “all-time low” and refers to a newspaper article on the industry ( <b>EXHIBIT V</b> ). Believes there is a need for balance between the economy and the environment.
079	Brad Witt	Secretary-Treasurer, Oregon AFL-CIO. Testifies in opposition to HB 3632A ( <b>EXHIBIT W</b> ). Believes the bill would discontinue and replace the SFMP. Urges the committee to allow the current plan to continue.
116	Jeffrey Birmingham	Audubon Society. Testifies in opposition to HB 3632A.
137	Sen. Beyer	Speaks to Ms. Gest. Argues Ms. Gest’s statement regarding timber products. Requests to see the article ( <b>EXHIBIT V</b> ). Determines Ms. Gest’s statement is incorrect.
152	Stephen Kafoury	Introduces himself and defers to Ms. Ackerman.
154	Sybil Ackerman	Audubon Society. Testifies in opposition to HB 3632A ( <b>EXHIBIT X</b> ). Addresses the job growth issue. Refers to an article in her testimony regarding the economy of the Tillamook and Clatsop forests ( <b>X</b> ).
The following prepared testimony is submitted for the record without public testimony for HB 3632A:		
	Bob Van Dyk	Submits written testimony ( <b>EXHIBIT Y</b> ).
	Dick Schouten	Submits written testimony ( <b>EXHIBIT Z</b> ).
213	Co-chair Clarno	Closes public hearing on HB 3632A. Opens public hearing on 2617A.
<b><u>HB 2617A – PUBLIC HEARING</u></b>		
217	Stephen Kafoury	Oregon Chapter, American Planning Association (APA). Testifies in opposition to HB 2617A. Notes the APA supports HB 2912 (2003) regarding land use.
248	Co-chair Clarno	Closes public hearing on HB 2617A. Adjourns meeting at 4:39 P.M.

**EXHIBIT SUMMARY**

- A – SB 209, newspaper article, Brian Bollock, 1 p**
- B – SB 209, written testimony, Brian Doherty, 1 p**
- C – HB 3632A, written testimony, Ross Holloway, 7 pp.**
- D – HB 3632A, written testimony, Helen Westbrook, 1 p**
- E – HB 3632A, written testimony and charts, Tim Josi, 13 pp.**
- F – HB 3632A, written testimony, Howard Sohn, 3 pp.**
- G – Oregon Liquor Control Commission, Staff and Governor’s Office, 10 pp.**
- H – State Parks and Recreation Commission, Staff and Governor’s Office, 9 pp.**
- I – Legislative Concepts 1 – 8, Staff, 1 p**
- J – HB 3272, -A8 amendments, Staff, 3 pp.**
- K – HB 3272, written submission, Linda Modrell, 5 pp.**
- L – HB 2617A, -A6 amendments, Staff, 2 pp.**
- M – HB 2617A, written testimony and chart, Doug Riggs, 3 pp.**
- N – HB 2617A, -A7 amendments, Staff, 4 pp.**
- O – HB 2617A, letter, David Bragdon, 2 pp.**
- P – HB 2617A, letter, Roger Lee, 1 p**
- Q – HB 3632A, written testimony, Paul Hanneman, 1 p**
- R – HB 3632A, written testimony, Bob Rees, 1 p**
- S – HB 3632A, chart, Dave Ivanoff, 1 p**

**T – HB 3632A, written testimony, Ray Wilkinson, 1 p**  
**U – HB 3632A, written testimony, Mari Anne Gest, 2 pp.**  
**V – HB 3632A, newspaper article, Mari Anne Gest, 2 pp.**  
**W – HB 3632A, written testimony and information, Bradley Witt, 7 pp.**  
**X – HB 3632A, written testimony, Sybil Ackerman, 6 pp.**  
**Y – HB 3632A, written submission, Bob Van Dyk, 1 p**  
**Z – HB 3632A, written submission, Dick Schouten, 2 pp.**