

## SENATE COMMITTEE ON RULES

August 26, 2003  
8:30 A.M.

Hearing Room HR B  
Tape 134

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

**STAFF PRESENT:**       **Jim Stembridge, Committee Administrator**  
                                  **Patricia Nielsen, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **HB 2899C – 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 134, A</b>		
005	Co-chair Brown	Calls the meeting to order at 8:33 a.m. Opens work session on HB 2899C.
<b><u>2899C – WORK SESSION</u></b>		
010	Judith Callens	Committee Administrator. Presents overview of HB 2899C, which establishes fee on dredge vessels to recover costs of reviewing spill response plans and for conducting inspections, training and other activities related to spill prevention.
<b>025</b>	<b>Sen. Beyer</b>	Discusses -C17 amendments dated 8-25-03 ( <b>EXHIBIT A</b> ). <b>MOTION: Moves to ADOPT HB 2899C-17 amendments dated 8/25/03.</b>
030	Co-chair Brown	Asks for approval from interested parties present.
035	Liz Frenkel	League of Women Voters. Asks to testify regarding an additional proposed amendment. <b>VOTE: 6-0</b>
<b>045</b>	<b>Co-chair Brown</b> Jon Christenson	<b>Hearing no objection, declares the motion CARRIED.</b> Sen. Margaret Carter staff member. Expresses concern and proposes additional amendments ( <b>EXHIBIT B</b> ). Discusses background of mitigation banking concept. Raises concern that the bank instrument can include one or more watersheds, but the original concept was to keep the resource within one region or watershed.
065	Co-chair Brown	Asks about drafting by Legislative Counsel.
070	Christenson	Predicts the draft will be ready 11:30 a.m. today.
075	Co-chair Brown	Asks if all parties agree to the proposed amendments.
077	Phil Scoles	Terra Science, Inc.; wetland consultant. Agrees.
079	Frenkel	Agrees.
080	Ross Day	Oregonians in Action. Asks for time to review the amendments, but probably cannot support.
087	Christenson	Expresses concern over wide geographical spread between locations.

090	Sen. Burdick	Asks about inclusion of two or three watersheds.
092	Christenson	Responds the language allows ten or fifteen watersheds.
094	Sen. Burdick	Asks whether limitation to two watersheds is too restrictive.
095	Christenson	Suggests not, because watersheds are large.
100	Co-chair Brown	Expresses concern that parties are not in agreement.
102	Sen. Burdick	Recaps concern over opening the process to the whole state.
110	Christenson	Agrees and requests resource be addressed within the region or watershed.
120	John Lilly	Assistant Director, Division of State Lands (DSL). Explains the issue is that unique wetlands can be widespread, and the measure provides for replacement within a larger area: <ul style="list-style-type: none"> <li>• Wording allows bank to have larger service area</li> <li>• Contract between the banker, the Army Corps of Engineers and the DSL for the mitigation, which defines wetland functions to be replaced</li> </ul>
135	Co-chair Brown	Asks how the proposed amendments change the structure.
137	Lilly	Responds the purpose during drafting was to leave flexibility for a wider geographical area. Suggests the proposed amendments are well-meaning and might work but would restrict. Explains there are seven banks currently in state and some in progress. Predicts there will be only a few more.
150	Sen. Beyer	Asks about control over banks.
155	Lilly	Explains the bank is a three-way partnership between the private banker, the state, and the Army Corps of Engineers; with the legislature establishing the statutory structure for the banks.
160	Sen. Beyer	Clarifies DSL approves the wetland transfers within the banks.
162	Lilly	Confirms.
165	Sen. Beyer	<b>MOTION: Moves HB 2899C to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>
	Co-chair Brown	<b>Hearing no objection, declares the motion CARRIED. SEN. DUKES will lead discussion on the floor.</b>
168	Brendan McCarthy	Legislative Counsel. Advises there is a new amendment to resolve a conflict.
170	Co-chair Brown	Recesses the committee at 8:47 a.m.
	*****	RECESS *****
171	Co-chair Brown	Reconvenes the committee at 8:48 a.m.
175	Sen. Burdick	<b>MOTION: Moves to RECONSIDER the vote by which the committee MOVED HB 2899C to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b>
		<b>EXCUSED: 1 – Atkinson</b>
	Co-chair Brown	<b>Hearing no objection, declares the motion CARRIED.</b>
180	Jim Stembridge	Committee Administrator. Explains the -C18 amendments dated 8-26-03 (EXHIBIT C) resolve a conflict, and that the -C18 includes the -C17 amendments.
185	McCarthy	Confirms the -C18 amendments include the -C17 amendments with no other changes except amendments to resolve conflicts.
190	Sen. Burdick	<b>MOTION: Moves to RECONSIDER the vote by which the committee adopted HB 2899C-17 amendments dated 8/25/03.</b>
		<b>VOTE: 5-0</b>

		<b>EXCUSED: 1 – Atkinson</b>
195	Co-chair Brown McCarthy	<b>Hearing no objection, declares the motion CARRIED.</b> Reiterates the -C18 amendments include the -C17 amendments with no other changes except amendments to resolve conflicts. Discusses conflicts.
205	Sen. Burdick	<b>MOTION: Moves to ADOPT HB 2899C-18 amendments dated 8/26/03.</b> <b>VOTE: 6-0</b>
215	Co-chair Brown Sen. Burdick	<b>Hearing no objection, declares the motion CARRIED.</b> <b>MOTION: Moves HB 2899C to the floor with a DO PASS AS AMENDED recommendation.</b>
240	Day	Returns to testify in support of HB 2899C as amended, with or without Sen. Carter’s proposed amendments. <b>VOTE: 6-0</b>
	Co-chair Brown	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. DUKES will lead discussion on the floor.</b>
245	Co-chair Brown	Closes work session on HB 2899C. Adjourns the committee at 8:52 a.m.

**EXHIBIT SUMMARY**

- A – HB 2899, -C17 amendments (8-25-03), staff, 30 pp**
- B – HB 2899C, proposed amendments, Jon Christenson, 1 p**
- C – HB 2899, -C18 amendments (8-26-03), staff, 40 pp**