

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 11, 2001  
8:30 a.m.

Hearing Room E  
Tapes 73 - 75

**MEMBERS PRESENT:**      **Rep. Betsy Close, Chair**  
                                 **Rep. Laurie Monnes Anderson, Vice-Chair**  
                                 **Rep. Susan Morgan, Vice-Chair**  
                                 **Rep. Mark Hass**  
                                 **Rep. Bob Jenson**  
                                 **Rep. Deborah Kafoury**  
                                 **Rep. Al King**  
                                 **Rep. Jeff Kruse**  
                                 **Rep. Jan Lee**

**STAFF PRESENT:**            **Megan Palau, Administrator**  
   **Shannon Relaford, Committee Assistant**

**MEASURE/ISSUES HEARD:**      **HB 2886 Work Session**  
   **HB 3490 Work Session**  
   **HB 3948 Public Hearing**  
   **HB 3407 Public Hearing**  
   **HB 2799 Public Hearing and Work Session**  
   **HB 3045 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 73, A</b>		
004	Chair Close	Convenes meeting at 8:13 a.m., opens work session on HB 2886.
		<b><u>HB 2886 WORK SESSION</u></b>
014	Jean Underhill-Wilkinson	Oregon Farm Bureau presents testimony in explanation of amendments and support of HB 2886, <b>(EXHIBIT K)</b>
097	Chair Close	Asks about the lines deleted in the amendment referring to "in great prejudice", expresses her concerns that we are taking the judges authority away.
107	Underhill	Responds to the concerns by further explaining the amendment.
119	Chair Close	Asks if she agrees the amendment goes one step further than the bill.
123	Underhill	Suggests doing what will make her feel comfortable with the bill, and continues with explanation of bill.
140	Rep. Lee	States she likes language better but would like to have a simple review done on the bill.

143	Chair Close	States they will bring back the bill. Closes work session on HB 2886 and opens work session on HB 3490.
<b><u>HB 3490 WORK SESSION</u></b>		
178	Chair Close	Presents overview of the bill, which appropriates moneys to the Department of Environmental Quality for use of attainability analysis.
179	<b>Rep. Kruse</b>	<b>MOTION: Moves HB 3490 WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Stream Restoration.</b>
	<b>Chair Close</b>	<b>VOTE: 9-0</b>
183	Chair Close	<b>Hearing no objection declares the motion CARRIED.</b> Closes work session on HB 3490 and opens public hearing on HB 3498.
<b><u>HB 3498 PUBLIC HEARING</u></b>		
185	Megan Palau	Committee Administrator, presents overview of HB 3498, which creates the Sustainability Board, <b>(EXHIBIT L)</b>
185	John Ledger	Associated Oregon Industries presents testimony in support of HB 3498.
327	Rep. Lee	Asks why not put the board in OWEB instead of creating a new board.
336	Ledger	Responds it should be a free standing board not associated with an existing agency or board.
351	Rep. King	Asks if they are requiring fixed income investments only.
369	Ledger	States he cannot answer the question then agrees it would be better.
373	Rep. Monnes Anderson	Comments on the composition of the board and asks why they chose just one representative from business and one from the conservation of the environment sector, wonders if that is too narrow.
389	Ledger	Responds there is a place in the bill for appointment of others.
401	Rep. Monnes Anderson	Follows by asking about accountability, and how will we know it is beneficial.
410	Ledger	Refers to amendments to explanation.
417	Rep. Monnes Anderson	Asks if the group would consider something like the bottle bill.
421	Ledger	Responds it could but it would depend on the format, continues with overview.
440	Rep. Hass	Asks about specific references to AOI instead of referring to representatives from businesses.
455	Ledger	Explains the intent was for a business association that would cover the whole state.
<b><u>TAPE 74, A</u></b>		
038	Rep. Hass	Follows by asking where a negative incentive would come into play.
041	Ledger	Presents the scenario where a business would be assessed a tax on a product.
058	Rep. Hass	Suggests that assessed tax might not be negative to others and asks for explanation of how they defined it that way.
060	Ledger	Insists the bill is written as clearly as it could be and they want to look at things that benefit people not aggravate them.
075	Chair Close	Asks if the negative incentives are still there.
081	Ledger	Replies the bill does not reduce the authority of any task force or

085	Sara Vickerman	regulatory agency. Director, West Coast Office of Defenders of Wildlife, presents testimony in support of HB 3498. <b>(EXHIBIT A)</b>
145	Rep. Morgan	Comments on the concept of sustainability and its importance, and expresses her support of the bill.
192	Dr. Paul Risser	Oregon State University President, presents testimony in support of the bill.
222	Hal Salvasser	Oregon State University Dean of Forestry, presents testimony in support of the bill.
264	David Morman	Oregon Department of Forestry, presents testimony in support of the bill. <b>(EXHIBIT B)</b>
310	Allison Hensey	Oregon Watershed Enhancement Board, presents testimony in support of the bill. <b>(EXHIBIT C)</b>
340	Cyril Smith	Department of Administrative Services Statewide Geographic Information Systems Coordinator, presents testimony in support of the bill and suggests amendments. <b>(EXHIBIT D)</b>
376	Chair Close	Expresses concern about bogging the group down with a lot of required coordination.
387	Rep. Monnes	Comments that the bill does state they must coordinate efforts with other agencies.
399	Anderson Smith	Responds it could be interpreted that way but the intent is to get efforts operating together.
405	Chair Close	Adds that the Governor is on the Sustainability Board and they are coordinating with this group as well.
420	Rep. Lee	Comments that one of the issues is the investment in hardware and software in the existing program and to duplicate that in another center is unnecessary.
438	Rep. Morgan	Explains the idea is to make data bases compatible, not necessarily move information and duplicate.
460	Rep. Kruse	Expresses concerns of impact on agencies.
<b><u>TAPE 73, B</u></b>		
035	Sarah Doll	Oregon Environmental Council, presents testimony in support of the bill. <b>(EXHIBIT E)</b>
070	Rep. Jenson	Asks for estimate of what the fee would need to be on studded tires to cover the cost of damage to roads.
072	Doll	Replies that would be the kind of issue the Sustainability Board would not address because it would be a negative incentive. Continues with testimony.
089	Rep. Kruse	Expresses his disappointment that the Council would chose to keep things controversial rather than to work in a pro-active way for solutions.
094	Doll	Further explains her testimony.
107	Chair Close	Suggests a work group to deal with some of the issues. Closes public hearing on HB 3498 and opens public hearing on HB 3407.

**HB 3407 PUBLIC HEARING**

111	John Ledger	Associated Oregon Industries, presents testimony in support of the bill, which establishes an account for scholarships for graduate students of environmental science and public health.
165	Rep. Jenson	Expresses his concern with creating environmental science and environmental engineering programs at universities in the state that equal the environmental law schools that have been established around the country.
170	Ledger	Asks for clarification of the question.

172	Rep. Jenson	Comments on the number of environmental programs in law schools throughout the nation and wonders if we are setting out to perpetuate this in other areas.
178	Ledger	Replies by explaining that the people this would apply to are pretty non-political.
186	Rep. Jenson	Remarks that he appreciates the intention but adds we need to address the realities.
190	Chair Close	Asks if the decisions are made by the Oregon Student Assistance Commission.
199	Ledger	Replies they have amended the bill so the funds do go through the Student Assistance Commission. Continues with explanation of the allocation of the funds, <b>(EXHIBIT M)</b>
224	Mary Goodwin	Director of Friends of Public Health, presents testimony in support of the bill. <b>(EXHIBIT G)</b>
242	David Foster	Presents testimony in support of the bill.
269	Chair Close	Asks if the funds come from enforcement actions of the federal government would this be an incentive for more enforcement actions.
272	Ledger	Explains that is an exemption.
277	Rep. Hass	States his support, asks about county treasury monies, how much money is it and how would it be done.
290	Ledger	Explains local funding.
297	Rep. Monnes Anderson	Comments on the nursing shortage and asks if the bill could address it.
311	Ledger	Explains the intent was for graduate students and adds there is more money now for undergraduate study.
328	Goodwin	Explains they do support other under graduate programs.
334	Chair Close	Closes public hearing on HB 3407.
338	Rep. Kafoury	Asks a question about the language in the bill.
353	Ledger	Explains the correction.
363	Chair Close	Opens public hearing on HB 2799 and presents overview of bill which directs the Oregon Water Resources Department to complete existing well network survey and make results available to the public.

**HB 2799 PUBLIC HEARING**

389	Jerry Schmidt	Oregon Ground Water Association, presents testimony in support of HB 2799. <b>(EXHIBIT H)</b>
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**TAPE 74, B**

094	Chair Close	Asks about the fluctuation on the graph over the period of a month.
100	Schmidt	Explains the measurements over the course of a year and the need to have standardization of measurements.
102	Steve Schneider	Oregon Ground Water Association, explains graph interpretation and presents testimony in support of the bill.
180	Tom Byler	Senior Policy Coordinator, Oregon Water Resources Department, presents testimony in support of the bill. <b>(EXHIBIT I)</b>
250	Chair Close	Asks if they take a sample of wells for the data.
262	Byler	Responds they take measurements on a quarterly basis.
234	Chair Close	Asks for how many wells.
266	Byler	Responds 350 wells approximately.
284	Rep. Lee	Asks if the funding does not come forward for this program, is Ways and Means able to change the date in the bill.
294	Rep. Morgan	Replies the committee has put a priority on restoring positions within the agency and explains budget rules.

319	Chair Close	Clarifies what the bill directs the department to do.
325	Byler	Replies he is not sure what will happen after the time frame expires.
333	Rep. Lee	Suggests that Legislative Counsel can explain.
349	Rep. Monnes Anderson	States her feeling that there is a real value of having this program, and need to monitor the information closely.
363	Rep. Hass	Concurs that we need the information, but do we need the bill.
365	Chair Close	Interprets that the bill ensures that certain data will be collected.
368	Rep. Morgan	Asks if there are things in the bill that are not already taken into account in the existing program.
370	Fred Litsner	Oregon Department of Water Resources, explains ownership issues and problems but thinks most of the other information is available.
394	Chair Close	Asks for clarification of the bill from Rep. Kruse.
404	Rep. Kruse	Explains the reason for the bill.
433	Chair Close	Asks for clarification of sections 3 and 4.
439	Rep. Kruse	Explains if the survey is completed by then, section 3 no longer is necessary.
452	Rep. Morgan	Restates the issue of the budget and that the information is already in the program, continues with explanation of the program.
485	Rep. Kruse	Comments on budget issues and the agency having to fund the program out of existing resources.

**TAPE 75, A**

048	Morgan	Asks if it is Kruse's desire to move the bill to Ways and Means, and continues with comments that it doesn't need to go to Ways and Means.
061	Rep. Kruse	Comments that it is part of the Governor's recommended budget.
063	Chair Close	Closes public hearing on HB 2799 at 10:05 a.m., and opens work session on HB 2799.

**HB 2799 WORK SESSION**

071	Rep. Morgan	Continues with prioritization issues within the Water Resources Departments budget.
085	Rep. Kruse	Comments Ways and Means should not write policy.
086	Rep. Lee	States she can't move the bill out of the committee because of the fiscal impact.
088	Chair Close	Reiterates that the fiscal says it is anticipated by the Governor's budget.
090	Rep. Kruse	Asks how the bill falls into an add packet if it's in the Governor's budget, asks if this is an enhancement.
100	Rep. Morgan	Replies this is not an enhancement.
118	Chair Close	Closes work session on HB 2799, and opens public hearing on HB 3045.

**HB 3045 PUBLIC HEARING**

124	Megan Palau	Presents overview of bill, which requires that local comprehensive plans provide for school facilities comparable to the public planning process.
126	Rep. Devlin	District 24, presents testimony in support of the bill. Suggests a work group.
175	John Chandler	Oregon Building Industry Association, states his support for a work group.
186	Chair Close	Asks about using the same relating clause and just changing the

188	Rep. Devlin	section of statute. Responds that they have talked to Legislative Counsel and they have replied yes.
193	Gary Conkling	Beaverton and Hillsboro School Districts, states his support for the bill and a work group.
210	Chair Close	Asks how long would the work group need.
214	Rep. Devlin	Replies with a date.
250	Randy Tucker	1000 Friends of Oregon, presents testimony in support of the concept of the bill.
260	Bob Rindy	Department of Land Conservation and Development, presents testimony in support of the bill and work group. <b>(EXHIBIT J)</b>
292	Chair Close	Asks if he agrees with changing the statute.
295	Rindy	Concurs.
296	Chair Close	Close public hearing on HB 3045 and adjourns meeting at 10:23 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,  
Administrative Support

Megan Palau,  
Administrator

**EXHIBIT SUMMARY**

**A – HB 3498, written testimony, Sara Vickerman, 1 p.**  
**B - HB 3948, written testimony, David Morman, 3 pp.**  
**C – HB 3948, written testimony, Allison Hensey, 1 p.**  
**D – HB 3948, written testimony, Cyril Smith, 2 pp.**  
**E – HB 3948, written testimony, Sarah Doll, 2 pp.**  
**F – HB 3407, written testimony, Mary Goodwin, 1 p.**  
**G – HB 2799, written testimony, Jerry Schmidt, 8 pp.**  
**H – HB 2799, written testimony, Tom Byler, 2 pp.**  
**I - HB 3045, written testimony, Randy Tucker, 1 p.**  
**J- HB 3045, written testimony, Bob Rindy, 1 p.**  
**K – HB 2886-1, amendment, staff, 2 pp.**  
**L - HB 3948-1, amendment, staff, 1 p.**  
**M –HB 3407-1, amendment, staff, 1p.**