

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 16, 2001
8:30 am

Hearing Room E
Tapes 79 - 81

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. Jeff Kruse
 Rep. Jan Lee

MEMBER EXCUSED: **Rep. Al King**
STAFF PRESENT: **Megan Palau, Administrator**
 Shannon Relaford, Committee Assistant

MEASURE/ISSUES HEARD: **HR 2 Public Hearing and Work Session**
 HR 3 Public Hearing and Work Session
 HB 3491 Public Hearing
 HB 3872 Public Hearing
 HB 3089 Work Session
 HB 3123 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
<u>TAPE 79, A</u>		
004	Chair Close	Calls committee to order at 8:10 a.m. and opens a public hearing on HB 3491.
<u>HB 3491 PUBLIC HEARING</u>		
005	Chair Close	Recesses public hearing on HB 3491 and opens public hearing on HR 2.
<u>HR 2 PUBLIC HEARING</u>		
119	Chair Close	Explains the bill.
120	Sandra Bishop	Container Recovery, presents testimony and video on the Bottle Bill and recycling procedures. (EXHIBIT A)
183	Chair Close	Closes the public hearing on HR 2 and opens a public hearing on HR 2 and HR 3.
<u>HR 3 PUBLIC HEARING</u>		
185	Rep. Bruce Starr	District 3, explains HR 2 and HR 3. Presents testimony in support of HR 2 and HR 3.
289	Chair Close	Closes the public hearing on HR 3 and opens a work session on HR 2.
<u>HR 2 WORK SESSION</u>		
290	Rep. Morgan	MOTION: Moves HR 2 be sent to the floor with a BE ADOPTED recommendation. VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - King

	Chair Close	The motion CARRIES.
		REP. STARR will lead discussion on the floor.
330	Chair Close	Closes the work session on HR 2 and opens a work session on HR 3.
<u>HR 3 WORK SESSION</u>		
332	Rep. Morgan	MOTION: Moves HR 3 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 8-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - King
333	Chair Close	The motion CARRIES.
		REP. SIMMONS will lead discussion on the floor.
340	Chair Close	Closes the work session on HR 3 and opens a public hearing on HB 3872.
<u>HB 3872 PUBLIC HEARING</u>		
341	Megan Palau	Committee Administrator, explains HB 3872 which requires issuance of a permit to a person who removes dwelling from land zoned for exclusive farm use to allow replacement dwelling.
344	Don Schellenberg	Oregon Farm Bureau, presents testimony in support of HB 3872.
360	Dave Vanasche	Farmer, Cornelius, Oregon, presents testimony in support of HB 3872. Explains his experience with farming a grass seed farm with dwellings. (EXHIBIT B)
<u>TAPE 80, A</u>		
039	Carrie Kuerschner	1000 Friends of Oregon, presents testimony proposing specific language to HB 3872. Suggests the bill requirements show specifications.
065	Rep. Monnes-Anderson	Asks if any of these would be considered historical.
070	Kuerschner	Responds that she has not looked into this but will do so.
075	Rep. Monnes-Anderson	Suggests that there are statutes which cover this.
086	Vanasche	Comments that the historical concept is already taken care of.
092	Ron Eber	Department of Land Conservation and Development, presents testimony neutral to the bill. Believes that the bill needs amendments. Refers to statute.
097	Chair Close	Asks the number of this statute.
100	Eber	Replies ORS 215.283, sub section 1.
125	Chair Close	Suggests drafting amendments. Closes the public hearing on HB 3872 and opens a work session on HB 3089.
<u>HB 3089 WORK SESSION</u>		
131	Scott Ashcom	Oregon Association of Nurserymen, presents draft amendments (EXHIBIT C) and overview.
201	Chair Close	Asks what individuals were on the committee.
210	Ashcom	Responds Ron Eber, Don Shellenberg, Randy Tucker.
215	Rep. Jenson	Comments on the farm unit and other family member dwellings.
220	Ashcom	Responds yes, if the tract meets the income requirement.
232	Carrie Kuerschner	1000 Friends of Oregon, states that 1000 Friends of Oregon supports the -2 amendments.
235	Rep. Kruse	MOTION: Moves to ADOPT HB 3089-2 amendments dated 04/13/01.
		VOTE: 7-0
		EXCUSED: 2 - King, Morgan
236	Chair Close	Hearing no objection, declares the motion CARRIED.
237	Rep. Kruse	MOTION: Moves HB 3089 to the floor with a DO PASS AS

AMENDED recommendation.

VOTE: 7-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - King, Morgan

The motion CARRIES.

REP. KRUSE will lead discussion on the floor.

Closes the work session on HB 3089 and opens a work session on HB 3123.

238 Chair Close

270 Chair Close

HB 3123 WORK SESSION

275 Sarah Reeder

Oregon Waste Management Systems, states that they are in agreement to the -1 amendments.

302 Chair Close

Closes the work session on HB 3123 and reconvenes the public hearing on HB 3491.

HB 3491 PUBLIC HEARING

310 Robert Nay

CR Johnson Lumber Company, presents testimony in opposition to HR 3491 which specifies that the State Land Board has exclusive jurisdiction over administrative determination of navigability of waterways.

375 Chair Close

Asks Nay if there was a specific situation that influenced his opposition.

400 Nay

Responds yes and explains a case with NW Steelheaders and a trespasser.

405 Rep. Lee

Asks about compensation.

418 Nay

Explains the navigability process and compensation issues.

469 Rep. Lee

Comments on navigability.

470 Nay

Explains that the John Day is not navigable.

TAPE 79, B

079 Nay

Continues with explanation.

106 Rep. Monnes-Anderson

Comments on the Measure 7 issue and tax deduction considered as compensation.

142 Nay

Explains taxation and property value changes.

148 Rep. Kruse

Comments on taxes on land to the middle of the river and the statute addressing Measure 7.

162 John Lilly

Division of State Lands, submits and presents written testimony in opposition to HB 3491. **(EXHIBIT D)**

235 Chair Close

Comments on interpretation of the law.

240 Lilly

Responds that the criteria are established by federal law.

Continues with overview and explanation of navigability.

303 Chair Close

Comments on the burden of the landowner.

306 Lilly

Responds that there are not many law suits on this matter.

Explains title navigability.

341 Rep. Kruse

Comments on rivers adjudicated and state ownership.

362 Lilly

Explains administrative processes and economic justifications.

399 Rep. Kruse

Comments on riverfront acreage relief.

410 Lilly

Responds that this could be a potential dispute of ownership and it might be appropriate to adjust.

449 Rep. Morgan

Comments on Legislative Counsel's comments.

TAPE 80, B

049 Lilly

Responds he had discussions with Revenue.

051 Phil Donovan

Association of NW Steelheaders, presents testimony in opposition to the bill.

068 Gary Benson

Association of NW Steelheaders, presents testimony in opposition to the bill.

111 Chair Close

States that taxes imply ownership.

114	Benson	Comments on invalid titles.
116	Donovan	Explains SB 842, removing land from the tax rolls.
125	Benson	Explains how landowners did not support the bill.
150	Chair Close	Comments on waterway problems and costs.
190	Katy Cate	Oregon Cattlemen’s Association, presents testimony in support of the bill.
218	Rep. Morgan	Supports Cate’s testimony and mentions extremes on both sides.
244	Cate	Explains emotional ties to the land and comments on compensation.
252	Chair Close	Asks about landowners granting access.
256	Cate	Responds that they will allow access if asked first.
268	Jim Welsh	Oregon Farm Family Association, presents testimony in support of the bill.
296	Chair Close	Directs Rep. Morgan to keep working on this bill. Closes the public hearing on HB 3491 and opens a work session on HB 3123.

HB 3123 WORK SESSION

300	Mike Dewey	Waste Management, explains the -1 amendments. Refers to page 5 of the bill. (EXHIBIT E)
379	Chair Close	Comments on section 5.
385	Dewey	Continues with explanation.
390	Rep. Monnes-Anderson	Asks about marginal lands.
400	Dewey	Responds that there is a statute that allows for marginal lands.
401	Rep. Morgan	Asks if marginal lands are considered lower quality.
410	Dewey	Responds yes.
TAPE 81, A		
003	Rep. Morgan	MOTION: Moves to ADOPT HB 3123-1 amendments dated 04/13/01.
		VOTE: 7-0
		EXCUSED: 2 - Kafoury, King
004	Chair Close	Hearing no objection, declares the motion CARRIED.
005	Rep. Morgan	MOTION: Moves HB 3123 to the floor with a DO PASS AS AMENDED recommendation.
006	Dewey	Comments on his conversation with Ron Eber and states that Mr. Eber said that he would not be here for the hearing of this bill.
011	Rep. Monnes-Anderson	States that she does not know if this can be within the urban growth boundary.
015	Dewey	Responds that marginal lands are for activities outside of the urban growth boundaries. States that there are no exception processes.
		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Kafoury, King
016	Chair Close	The motion CARRIES.
	Chair Close	REP. LEE will lead discussion on the floor.
		Closes the work session on HB 3123. Refers to the memo on the field trip. Adjourns the committee at 10:07 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,

Megan Palau,

Administrative Support

Administrator

EXHIBIT SUMMARY

A – HR 2, written testimony, Sandra Bishop, 3 pp.

B – HB 3872, written testimony, Dave Vanasche, 2 pp.

C – HB 3089 amendment, submitted by Scott Ashcom, 1 p.

D – HB 3558, written testimony, John Lilly, 16 pp.

E – HB 3123, --1 amendment submitted by staff, 13 pp.