

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 27, 2001
8:00 am

Hearing Room E
Tapes 93 - 94

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

MEMBER EXCUSED: Rep. Mark Hass

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

MEASURE/ISSUES HEARD: HB 2148 Public Hearing
HB 2166 Public Hearing
HB 2284 Public Hearing
HB 2370 Public Hearing
HB 2543 Public Hearing
HB 2990 Public Hearing
HB 3028 Public Hearing
HB 3115 Public Hearing
HB 3174 Public Hearing
HB 3198 Public Hearing
HB 3204 Public Hearing
HB 3392 Public Hearing
HB 3418 Public Hearing
HB 3470 Public Hearing
HB 3482 Public Hearing
HB 3536 Public Hearing
HB 3585 Public Hearing
HB 3720 Public Hearing
HB 3773 Public Hearing
HB 3800 Public Hearing
HB 3947 Public Hearing
HB 2181 Public Hearing and Work Session
HB 3654 Public Hearing
HB 2370 Public Hearing
HB 3654 Public Hearing
HB 3563 Public Hearing

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 93, A		
003	Chair Close	Convenes meeting at 8:04 am, opens public hearing on HB 2148.
<u>HB 2148 - PUBLIC HEARING</u>		

010	Chair Close	Closes the public hearing on HB 2148 and opens a public hearing on HB 2166.
<u>HB 2166 – PUBLIC HEARING</u>		
011	Chair Close	Closes the public hearing on HB 2166 and opens a public hearing on HB 2284.
<u>HB 2284 – PUBLIC HEARING</u>		
012	Chair Close	Closes the public hearing on HB 2284 and opens a public hearing on HB 2370.
<u>HB 2370 – PUBLIC HEARING</u>		
014	Chair Close	Closes the public hearing on HB 2370 and opens a public hearing on HB 2543.
<u>HB 2543 – PUBLIC HEARING</u>		
015	Chair Close	Closes the public hearing on HB 2543 and opens and public hearing on HB 2990.
<u>HB 2990 – PUBLIC HEARING</u>		
017	Chair Close	Closes the public hearing on HB 2990 and opens a public hearing on HB 3028.
<u>HB 3028 – PUBLIC HEARING</u>		
019	Chair Close	Closes the public hearing on HB 3028 and opens a public hearing on HB 3392.
<u>HB 3392 – PUBLIC HEARING</u>		
023	Chair Close	Closes the public hearing on HB 3392 and opens a public hearing on HB 3115.
<u>HB 3115 – PUBLIC HEARING</u>		
024	Chair Close	Closes the public hearing on HB 3115 and opens a public hearing on HB 3174.
<u>HB 3174 – PUBLIC HEARING</u>		
025	Chair Close	Closes the public hearing on HB 3174 and opens a public hearing on HB 3198.
<u>HB 3198 – PUBLIC HEARING</u>		
027	Chair Close	Closes the public hearing on HB 3198 and opens a public hearing on HB 3204.
<u>HB 3204 – PUBLIC HEARING</u>		
029	Chair Close	Closes the public hearing on HB 3204 and opens a public hearing on HB 3392.
<u>HB 3392 – PUBLIC HEARING</u>		
031	Chair Close	Closes the public hearing on HB 3392 and opens a public hearing on HB 3418.
<u>HB 3418 – PUBLIC HEARING</u>		
033	Chair Close	Closes the public hearing on HB 3418 and opens a public hearing on HB 3470.
<u>HB 3470 – PUBLIC HEARING</u>		
034	Chair Close	Closes the public hearing on HB 3470 and opens a public hearing on HB 3482.
<u>HB 3482 – PUBLIC HEARING</u>		
035	Chair Close	Closes the public hearing on HB 3482 and opens a public hearing on HB 3536.
<u>HB 3536 – PUBLIC HEARING</u>		
037	Chair Close	Closes the public hearing on HB 3536 and opens a public hearing on HB 3585.
<u>HB 3585 – PUBLIC HEARING</u>		
038	Chair Close	Closes the public hearing on HB 3585 and opens a public hearing on HB 3720.

HB 3720 – PUBLIC HEARING

040 Chair Close

Closes the public hearing on HB 3720 and opens a public hearing on HB 3773.

HB 3773 – PUBLIC HEARING

043 Chair Close

Closes the public hearing on HB 3773 and opens a public hearing on HB 3800.

HB 3800 – PUBLIC HEARING-

045 Chair Close

Closes the public hearing on HB 3800 and opens a public hearing on HB 3947.

HB 3947 – PUBLIC HEARING

047 Chair Close

Closes the public hearing on HB 3947 and informs the committee they will be meeting briefly at 3:00 p.m. to tap in a bill that was missed. Opens a public hearing on HB 2181.

HB 2181 – PUBLIC HEARING

054 Megan Palau

Committee Administrator, presents overview of HB 2181. Creates Invasive Species Council to promote reporting of undesirable nonnative plant and animal invasions, increase education about invasive species and provide grants or loans for eradicating new introductions of undesirable nonnative invasive species.

072 Chuck Craig

Oregon Department of Agriculture, presents testimony in support of

111 Dan Hilburn

HB 2181. **(EXHIBIT A)**

Oregon Department of Agriculture, presents testimony in support of

209 Rep. Jenson

HB 2181. Explains proposed amendments.

Asks about finding beneficial biological control organism to be a threat in the future.

217 Hilburn

Explains that it has happened.

226 Rep. Jenson

Asks if there can be language protecting us if we discover later that it's not beneficial.

240 Hilburn

Presents overview of system in place now.

261 Rep. King

Asks why Portland State is on the list.

267 Hilburn

Replies that representatives from Portland State are here.

273 Rep. King

Asks about expertise on the non-aquatics.

281 Hilburn

Replies terrestrial weeds, and insects fall under the Department of Agriculture.

287 Chair Close

Asks if they can appoint Port of Portland.

289 Hilburn

Concurs.

290 Chair Close

Asks for definition of exotic.

295 Hilburn

Replies non-native.

303 Rep. Jenson

Asks if non-aquatic is another department.

317 Craig

States that the Fish & Wildlife have expertise.

322 Rep. Jenson

Asks why OSU is not part of the expertise.

329 Craig

Replies they are included in the membership.

332 Rep. Jenson

Asks about Sea Grant college.

334 Chair Close

States that it is confusing and asks for clarification of the state weed board.

343 Hilburn

Replies they are weed related issues.

352 Chair Close

Asks if they have limited authority.

353 Hilburn

Concurs.

362 Terry Witt

Executive Director of Oregonians for Food and Shelter, presents testimony in support of the bill.

410	Stephen Kafoury	Presents testimony in support of the bill.
435	Dr. Denny Lassuy	Oregon Chapter of American Fisheries Society, presents testimony in support of the bill. (EXHIBIT B)
Tape 94, A		
043	Chair Close	Asks for a description of the eradication of the zebra mussels.
044	Lassuy	Replies it cannot be eradicated with current technology.
062	Mark Systma	Associate Professor at Portland State University, presents testimony in support of the bill. (EXHIBIT C)
103	Rep. Jenson	Asks about the mitten crab in the bay area.
108	Systma	Responds that one has been found in the Columbia.
120	Chair Close	Asks how they deal with the infestation.
121	Systma	Explains what California has done.
128	Chair Close	Asks if there is chemical control.
129	Systma	Replies that the use of some are prohibited in water.
139	Paul Heimowitz	Oregon Sea Grant, presents testimony in support of the bill. (EXHIBIT D)
182	Chair Close	Asks how they assure the results are scientific and not political.
188	Heimowitz	Replies they use very strong reviews from different areas.
199	Chair Close	Asks if they are going to consider human beings.
200	Heimowitz	Replies that their focus is on animal and plant species.
217	Larry Cooper	Oregon Department of Fish and Wildlife, presents testimony in support of the bill. (EXHIBIT E)
236	Rep. King	Asks if the council has the authority to determine what is a pest.
247	Cooper	Replies he finds the legislation very supportive.
260	Rep. King	Asks where would we go to determine if species are beneficial or invasive.
266	Cooper	Replies that different agencies have different responsibilities.
279	Rep. Kruse	Asks if they see this as a vehicle to get resolution of existing problems.
285	Cooper	Replies that this mechanism educates people on the problems.
289	Rep. Kruse	Asks if this raises the level for an advocacy for solutions.
297	Cooper	Concurs.
330	Chair Close	Closes the public hearing on HB 2181 and opens a work session on HB 2181.

HB 2181 – WORK SESSION

333	Rep. Jenson	MOTION: Moves to ADOPT HB 2181-1 amendments dated 4/26/01.
341		VOTE: 7-0
		EXCUSED: 2 - Hass, Kafoury
	Chair Close	Hearing no objection, declares the motion CARRIED.
341	Rep. Jenson	MOTION: Moves HB 2181 to the floor with a DO PASS AS AMENDED recommendation.
356		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Hass, Kafoury
	Chair Close	The motion CARRIES.
		REP. LEE will lead discussion on the floor.
342	Chair Close	Closes the work session on HB 2181 and opens a public hearing on HB 3654.

HB 3654 – PUBLIC HEARING

379	Megan Palau	Committee Administrator, summarizes the bill which authorizes
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		lot of record dwelling on lot or parcel lawfully created before October 5, 1973, within farm or forest zone.
388	Rep. Cedric Hayden	House District 43, presents testimony in support of the bill.
Tape 93, B		
056	Rep. Kruse	Asks if he is in favor of any of the amendments.
060	Rep. Hayden	Comments on the transferable property rights development.
074	Rep. Kruse	Asks about the -2 amendment changing the beginning date of 1985.
077	Rep. Hayden	Replies that they will have to ask others.
085	Chair Close	Asks who the authors of amendments are.
086	Rep. Hayden	Replies that he was.
094	Kevin Birch	Oregon Department of Forestry, presents testimony in opposition to the bill. (EXHIBIT F)
105	Rep. Jenson	Asks about the date changes on the amendments.
107	Birch	Replies they will still have the 1973 dates.
108	Rep. Jenson	Notes that it's not his understanding.
108	Rep. Kruse	Comments that the -2 amendment changes that date.
109	Birch	Refers to the -3 amendments stating they give you an either/or choice.
113	Rep. Jenson	Asks for clarification on the -3 and -4 amendment dates.
120	Birch	Concurs.
125	Rep. Jenson	Asks if it is his understanding that if the bill is moved they will be adopting the -3 amendments.
129	Birch	Replies that either amendment will leave the 1973 date. Continues testimony.
176	Carrie Kuerschner	1000 Friends of Oregon, presents testimony in opposition to the bill. (EXHIBIT G)
295	Ron Eber	Oregon Department of Land Conservation and Development, presents testimony in opposition to the bill. (EXHIBIT H)
352	Chair Close	Questions the marginal land counties statutes.
354	Eber	Explains.
394	Harlan Levy	Oregon Association of Realtors, presents testimony in support of the bill and the amendments.
466	Chair Close	Asks for clarification of 'owner'.
467	Levy	Explains definition of owner.
Tape 94, B		
040	Don Schellenberg	Oregon Farm Bureau, presents testimony in opposition to the bill.
070	Chair Close	Asks why people shouldn't be entitled to the lot of record.
074	Schellenberg	Replies that through 1985 they should have known what their rights to build were.
092	Jim Welsh	Oregon Family Farm Association, presents testimony in support of the bill and amendments.
119	Chair Close	Asks if he has any suggestions to date changes.
121	Welsh	Replies that they prefer the - 4 amendments.
122	Art Schlack	Association of Oregon Counties, presents testimony.
166	Chair Close	Staff submits HB 3654 -1, -2, -3, -4 amendments. (EXHIBITS I, J, K, L) Closes the public hearing on HB 3654 and opens a public hearing on HB 2370.
<u>HB 2370 – PUBLIC HEARING</u>		
174	Chris Crean	Oregon State Bar, presents testimony in support of HB 2370.
200	Chair Close	Asks him to define everybody.

201	Crean	Explains who he discussed the bill with.
228	Chair Close	Asks who he works with.
229	Crean	Responds he's here on behalf of the Oregon State Bar.
231	Rep. Kafoury	Comments that she thinks this is an example of government efficiency.
244	Chair Close	Closes the public hearing on HB 2370. Opens a public hearing on HB 3563.

HB 3563 – PUBLIC HEARING

256	Chair Close	Closes the public hearing on HB 3563. Adjourns meeting at 9:45 a.m.
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Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

Transcribed By,

Cheryl Young
Committee Assistant

EXHIBIT SUMMARY

- A – HB 2181, written testimony, Chuck Craig, 3pp.**
- B – HB 2181, written testimony, Denny Lassuy, 3pp.**
- C – HB 2181, written testimony, Mark Systema, 1p.**
- D – HB 2181, written testimony, Paul Heimowitz, 6pp.**
- E – HB 2181, written testimony, Larry Cooper, 1p.**
- F – HB 3654, written testimony, Kevin Birch, 1p.**
- G – HB 3654, written testimony, C. Kuerschner, 1p.**
- H – HB 3654, written testimony, Ron Eber, 1p.**
- I – HB 3654-1 amendment, by Staff, 1p.**
- J – HB 3654-2 amendment, by Staff, 1p.**
- K – HB 3654-3 amendment, by Staff, 5pp.**
- L – HB 3654-4 amendment, by Staff, 1p.**

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 27, 2001
3:00 pm

Hearing Room 357
Tapes 96

MEMBERS PRESENT: Rep. Betsy Close, Chair
Rep. Laurie Monnes Anderson, Vice-Chair
Rep. Mark Hass
Rep. Al King

MEMBERS EXCUSED: Rep. Bob Jenson
Rep. Deborah Kafoury
Rep. Jeff Kruse
Rep. Jan Lee

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

MEASURE/ISSUES HEARD: HB 3234 Public Hearing

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 96, A 003	Chair Close	Convenes meeting at 3:00 p.m., opens public hearing on HB 3234. Close public hearing on HB 3234 and adjourns meeting at 3:05 p.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

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