

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 09, 2001
8:30 a.m.

Hearing Room E
Tapes 71 - 72

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

MEMBER EXCUSED: **Rep. Deborah Kafoury**

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

MEASURE/ISSUES HEARD: **HB 3123 Public Hearing**
 HB 3592 Public Hearing
 HB 3039 Possible Reconsideration and 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 |
|--------------------------------------|-----------------|---|
| TAPE 71, A | | |
| 005 | Chair Close | Convenes meeting at 8:15 a.m., opens work session on HB 3123. |
| <u>HB 3123 PUBLIC HEARING</u> | | |
| 008 | Megan Palau | Presents over view of HB 3123 regarding nonputrescible solid waste disposal. |
| 011 | Mike Dewey | Waste Management, presents testimony in support of HB 3123. |
| 116 | Frank Hammond | Waste Management, clarifies location and zoning of landfill, presents testimony in support of HB 3123. |
| 142 | Chair Close | Asks for clarification of amendments. |
| 145 | Dewey | Responds with explanation of bill and amendments. |
| 151 | Chair Close | Continues by asking if the deadline is 2004. |
| 153 | Dewey | Concurs. |
| 160 | Rep. Kruse | Asks for the amendments. |
| 162 | Dewey | Will provide amendments at the work session. |
| 183 | Chair Close | Closes public hearing on HB 3123 at 8:30 a.m., and opens public hearing on HB 3592. |
| <u>HB 3592 PUBLIC HEARING</u> | | |
| 189 | Stephen Donnell | Presents testimony in support of HB 3592 creating the position of Consul General within the Department of Land Conservation |

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| | | and Development. |
| 247 | Chair Close | Asks if position comes from Attorney General's Office. |
| 250 | Donnell | Replies no, it would be independent legal authority appointed by the Governor. |
| 255 | Rep. Lee | Asks if we have received a fiscal impact statement. |
| 260 | Chair Close | Comments the bill will have to go to Ways and Means. |
| 264 | Bob Rindy | Department of Land Conservation and Development, presents testimony in opposition to the bill. |
| 336 | Rep. Kruse | Comments that the Attorney General is the attorney for the agency and wonders if the bill addresses that. |
| 344 | Rindy | Concurs that it is unclear. |
| 346 | Rep. Kruse | Further comments that the function is similar to what LUBA already does. |
| 350 | Rindy | Responds no, the point of the position would be to be in charge of taking appeals to LUBA. |
| 369 | Chair Close | Asks if this position would be an independent council for the people. |
| 372 | Rindy | States he understands that was what was intended and continues with testimony. |
| 406 | Mike Collmeyer | 1000 Friends of Oregon, presents testimony in opposition to HB 3592. |
| 441 | Chair Close | Closes public hearing on HB 3592 and opens a public hearing on 3810 at 8:45 a.m., closes public hearing on HB 3810, opens reconsideration and work session on HB 3039. |

HB 3039 RECONSIDERATION AND WORK SESSION

Tape 72, A

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| 010 | Palau | Presents overview of HB 3039 specifying that governing body of county or person whose interest in real property in county may be affected by unlawful structure of land use in not required, by provisions allowing certain remedies to avail itself of remedies allowed. |
| 020 | Rep. Kruse | MOTION: Moves to RECONSIDER the vote by which HB 3039 Moves to the floor with a DO PASS recommendation |
| | | VOTE: 6-1 |
| | | AYE: 6 - Jenson, Kruse, Lee, Monnes Anderson, Morgan, Close |
| | | NAY: 1 - Hass |
| | | EXCUSED: 2 - Kafoury, King |
| | Chair Close | The motion CARRIES. |
| 030 | Palau | Presents explanation of the bill. |
| 045 | Commissioner Roger Nyquist | Urges the committee to pass the bill based on previous testimony. |
| 065 | Bob Rindy | Oregon Department of Land Conservation and Development, states their legal counsel understands the bill will not change the process and presents testimony neutral to the bill. |
| 070 | Rep. Monnes Anderson | States she would like to have a complete understanding of the intent of bill and that staff at the local level are not going to abuse the bill by overlooking land issues that they really should be dealing with. |
| 075 | Nyquist | States it is clearly the intent not to abandon their comprehensive plan or the current land use laws. |
| 085 | Chair Close | Comments there was testimony that private remedies are not |

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| | | removed under this bill. |
| 090 | Nyquist | Concurs. |
| 091 | Rep. Morgan | Asks for explanation of current oversight process. |
| 097 | Rindy | Explains the bill will not change the process. |
| 110 | Rep. Kruse | MOTION: Moves HB 3039 to the floor with a DO PASS recommendation. |
| 113 | Rep. Hass | States his support for the bill. |
| 116 | Chair Close | States her support for the bill. |
| | | VOTE: 8-0 |
| | | AYE: 8 - Hass, Jenson, King, Kruse, Lee, Monnes Anderson, Morgan, Close |
| | | EXCUSED: 1 - Kafoury |
| | Chair Close | The motion CARRIES. |
| | | REP. CLOSE will lead discussion on the floor. |
| 120 | Chair Close | Closes the work session on HB 3039 and adjourns the meeting at 9:00 a.m. |

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY