

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 11, 2001
8:00 AM

Hearing Room E
Tapes 110 - 112

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

MEMBER EXCUSED: **Rep. Jeff Kruse**
 Rep. Jan Lee

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

MEASURE/ISSUES HEARD: **SB 606 Public Hearing**
 SB 328 A Public Hearing and Work Session
 HM2 Work Session
 HB 3528 Public Hearing and Work Session
 HB 3947 Public Hearing
 HB 2714 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.

TAPE/#	Speaker	Comments
TAPE 110, A 002	Chair Close	Convenes meeting at 8:13 a.m., opens a public hearing on SB 606.
<u>SB 606 - PUBLIC HEARING</u>		
004	Megan Palau	Presents summary of the bill which removes prohibition on issuance of permits for recreational placer mining within scenic waterways.
019	John Holleman	Executive Director Oregon Independent Miners, presents testimony in support of the bill. (EXHIBIT A)
101	Chair Close	Asks about the sunset language.
103	Holleman	Responds with explanation of the proposed amendments to the bill. (EXHIBIT B)
120	Chair	Asks if he is in agreement with the amendment.
121	Holleman	Concurs as long as Parks completes the study.
127	Rep. Kafoury	Asks about similar bill.
134	Rep. Monnes-Anderson	Asks what rivers are considered scenic waterways, and is the Willamette River a scenic waterway.
139	Holleman	Responds that only part of it is scenic.
153	Rep. Hass	Asks what part of the Willamette is considered a scenic waterway.
157	Holleman	Responds that the Willamette is considered an essential salmon

		habitat and not scenic, continues with testimony.
170	Rep. Hass`	Refers to the pamphlet and asks for clarification.
171	Holleman	Agrees to that section being scenic. Comments that there is very little mining on the Willamette.
187	Rep. Kafoury	Asks about removal limits.
189	Holleman	Replies that there are regulations.
196	Rep. Kafoury	Asks if that is per person.
197	Holleman	Responds that it is per permit.
198	Rep. Kafoury	Asks if that is per day.
199	Holleman	Responds per season.
200	Rep. Kafoury	Asks how much is a cubic yard.
202	Holleman	Responds that a cubic yard is 3 x 3 x 3.
208	Rep. Hass	Comments that the federal law supercedes state law, and asks what's the point of this legislation.
213	Holleman	Replies that there are two different designations.
218	Rep. Hass	Asks if all of these are affected.
219	Holleman	Replies not all of them.
224	Tom Quintell	Director of Government Affairs for Oregon Independent Miners, presents testimony in support of the bill. (EXHIBIT C)
365	Clarence Janzen	Presents testimony in support of the bill.
436	Nick Kloepping	Independent Miner, presents testimony in support of the bill.
Tape 111, Side A		
040	Julia Doesmann	Governors Office, provides testimony in support of the amendment to extend the sunset.
061	John Lilly	Assistant Director, Oregon Division of State Lands, presents testimony in support of the bill. (EXHIBIT D)
113	Chair Close	Asks why the Governor wants this sunset.
118	Doesmann	Responds that it's actually extending the sunset, and notes the Governor's concerns.
133	Chair Close	Asks when people enter into the equation.
133	Doesmann	Responds that they are still able to use the resource with the extension of the sunset.
135	Chair Close	Comments that they are over regulating and making it difficult.
139	Lilly	Comments that recreational prospecting would not be altered.
148	Chair Close	Asks Mr. Lilly his position on the sunset clause.
149	Lilly	Replies that they are supportive of it.
152	Rep. Jenson	Asks if it is good use of state money to keep coming back on this issue.
168	Tim Cremer	Presents testimony in support of the bill. (EXHIBIT E)
202	Rep. King	Asks how acceptable they are of the Governor's recommendation.
212	Cremer	Responds that they will go along with Governor's request.
224	Dick Springer	Multnomah County Sierra Club, presents testimony in opposition

307 Jim Welsh to the bill. **(EXHIBIT F)**
Oregon Family Farm Association, presents testimony in support of the bill.
Chair Close Closes the public hearing on SB 606. Opens a public hearing on SB 328A.

SB 328 A- PUBLIC HEARING

309 Palau Presents summary of the bill which allows State Board of Higher Education to manage mineral and geothermal resource rights and proceeds associated with property of board.
328 Jock Mills Director of Government Relations, Oregon State University, presents testimony in support of the bill. **(EXHIBIT G)**
348 Hal Salwasser Dean of the College of Forestry, Oregon State University, presents testimony in support of the bill.
373 Chair Close Closes the public hearing on SB 328 A and opens a work session on SB 328 A.

SB 328 – WORK SESSION

378 Rep. Jenson **MOTION: Moves SB 328A to the floor with a DO PASS recommendation.**
382 **VOTE: 7-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Kruse, Lee
Chair Close **The motion CARRIES.**
REP. MORGAN will lead discussion on the floor.
397 Chair Closes Closes the work session on SB 328A. Opens a work session on HM2.

HM 2 – WORK SESSION

400 Palau Presents summary of HM2 which requests amendment of Endangered Species Act, reevaluation of Lost River suckerfish biological opinion, development of long-term water storage solutions for Klamath Basin irrigators and declaration of Klamath County as natural disaster area.
447 Tom Byler Oregon Water Resources Department, addresses the amendments to the memorial and presents testimony in support.

Tape 110, Side B

049 Chair Close Asks if these are the amendments that Rep. Garrard wrote up.
050 Byler Concur.
061 Chris Roberts Legislative Assistant for Rep. Garrard, presents testimony in support of the amendments.
066 Rep. Kafoury Asks if the Representative has seen the amendments after they were approved.
067 Roberts Replies that he has.
076 Rep. Morgan **MOTION: Moves to ADOPT HM 2-1 amendments dated 5/11/01.**
VOTE: 7-0
EXCUSED: 2 - Kruse, Lee
Chair Close **Hearing no objection, declares the motion CARRIED.**

079	Rep. Morgan	MOTION: Moves HM 2 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
082	Rep. Morgan	Comments that –1 amendments are clear and well stated.
087	Rep. Kafoury	Comments that this is a strong and comprehensive memorial.
094		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Kruse, Lee
	Chair Close	The motion CARRIES.
		REP. GARRARD will lead discussion on the floor.
100	Chair Close	Closes the work session on HM 2. Opens a public hearing on HB 3528.

HB 3528 – PUBLIC HEARING

107	Megan Palau	Summarizes HB 3528 which authorizes development of rural service centers in specified remote areas of state.
114	Dale White	State Economic Commission, presents testimony in support of the bill.
210	Rep. Hass	Notes that there are other places to get services.
216	White	Replies and describes the communities.
241	Rep. Kafoury	Asks why the individual campgrounds were set up.
249	White	Explains that that is the objective.
267	Rep. Kafoury	Asks the length of time people stay
271	White	Replies some stay 3 to 10-days.
281	Rep. Kafoury	Asks how long he’s had his site available for RVs.
284	White	Replies it’s been open about 3-weeks.
297	Rep. Kafoury	Asks his opinion on testimony by 1000 Friends of Oregon.
304	White	Replies he feels it expands it, not overturn it.
324	Rep. Kafoury	Asks about their claim that it was a settlement agreed by the parties.
328	White	Responds that part was true, continues with testimony.
354	Rep. Kafoury	Asks about any new developments in Harney County.
366	White	Presents history of Harney County economics.
412	Jerry Sutherland	High Desert Committee, Oregon Chapter of the Sierra Club, presents testimony in opposition to the bill. (EXHIBIT H)
506	Rep. King	Ask how many mountains are in the Steens.
507	Sutherland	Responds that it is one fault block 50 miles long.

Tape 111, Side B

041	Rep. Thomas Butler	House District 60, presents testimony in support of the bill.
059	Chair Closes	Closes the public hearing on HB 3528. Opens a work session on HB 3528.

HB 3528 – WORK SESSION

063	Rep. Morgan	MOTION: Moves HB 3528 to the floor with a DO PASS recommendation.
064	Rep. Monnes Anderson	States her reason for voting no on the bill.
074	Rep. Hass	Asks the vote be delayed for a day.

077 083	Rep. Kafoury	States her concerns. VOTE: 5-2 AYE: 5 - Jenson, Kafoury, King, Morgan, Close NAY: 2 - Hass, Monnes Anderson EXCUSED: 2 - Kruse, Lee Chair Close The motion Carries. REP. BUTLER will lead discussion on the floor.
090	Chair Close	Closes the work session on HB 3528 and opens a public hearing on HB 3947.

HB 3947 – PUBLIC HEARING

091	Palau	Presents summary of the bill which permits unexpired pollution control facility tax credits to be carried forward for up to three additional tax years, if facility remains in use and operation during each additional tax year to which unused credit is carried.
096	Rep. Kafoury	Asks a process question regarding this bill.
104	John Ledger	Associated Oregon Industries, presents testimony in support of the bill.
133	Chair Close	Adds comments regarding SB 764.
138	Rep. Kafoury	Asks if this bill includes the Georgia-Pacific piece heard in Revenue.
139	Ledger	Concurs.
143	Kafoury	Asks how this bill differs.
148	Ledger	Responds that in its present form, it is almost exactly the same.
156	Chair Close	Closes the public hearing on HB 3947. Opens a public hearing on HB 2714

HB 2714 – PUBLIC HEARING

157	Palau	Summarizes the bill which establishes conditions for siting dwelling in conjunction with farm use in exclusive farm use zone.
174	Mark Tipperman	Presents testimony in opposition to the bill.
238	Rep. Tootie Smith	House District 28, presents testimony in support of the bill.
300	Chair Close	Asks if the groups agree to the-2 amendments.
301	Rep. Smith	Unsure is everyone agreed.
304	Rep. Hass	Asks about phony farm dwellings.
311	Rep. Smith	Replies she would eliminate the farm income test.
331	Rep. Hass	Asks about hobby farmers.
340	Rep. Smith	States that he is arguing the farm income test is fair and just and she disagrees.
345	Rep. Close	Asks if Rep. Smith is a farmer.
346	Rep. Smith	Concurs.
347	Chair Close	Asks if it is true that a high percentage of Oregon farmers would not meet the guidelines of the income test.
350	Rep. Smith	Agrees.

401	Rep. Hass	Points out that it is not city slickers arguing but real farmers
409	Chair Close	Asks if she is confident that LCDC has the authority and expertise to determine if the lot is capable for farming use.
417	Rep. Smith	Replies that it is their intent to send it to counties to make the decision.
443	Dave Vanasche	Presents testimony in opposition to the bill.
484	Chair Close	Asks what the problem is if the land is still being used as farmland.
487	Vanasche	Explains.
500	Chair Close	Comments about the rights of farmers to farm without being sued.
508	Vanasche	Comments on the \$80,000 test.

Tape 112, Side A

022	Jim Monroe	Presents testimony in opposition to the bill.
043	Chair Close	Asks for comments about people wanting to build on small properties close to their farms.
050	Monroe	Explains small parcel problems.
075	Carrie Kuerschner	1000 Friends of Oregon, presents testimony in opposition to the bill.
108	Chair Close	Closes the public hearing on HB 2714. Adjourns the meeting at 10:12 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

- A – SB 606, written testimony, John Holleman, 2pp.**
- B – SB 606, written testimony, John Holleman, 1p.**
- C – SB 606, written testimony, Tom Quintal, 13pp.**
- D – SB 606, written testimony, John Lilly, 1p.**
- E – SB 606, written testimony, Tim Cremer, 2pp.**
- F – SB 606, written testimony, Dick Springer, 5 pp.**
- G – SB 328, written testimony, Jock Mills, 1p.**
- H – HB 3528, written testimony, Jerry Sutherland, 1p.**
- I – HB 2714, written testimony, C. Kuerschner, 1p.**