

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 14, 2001
8:00 am

Hearing Room E
Tapes 113 - 114

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

MEMBER EXCUSED:

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

MEASURE/ISSUES HEARD: HB 3418 Public Hearing and Work Session
SB 710 A Public Hearing and Work Session
SB 715 A Public Hearing and Work Session
SB 526 A Public Hearing and Work Session
HB 2976 Work Session
HB 2981 A 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 113, A		
005	Chair Close	Convenes meeting and opens public hearing on HB 3418 at 8:10 a.m.
<u>HB 3418 Public Hearing</u>		
013	Rep. Joanne Verger	District 47, presents testimony in support of the bill which authorizes approval of ad valorem tax for bond debt service of proposed special district at same election at which formation of district is considered.
027	Tom Grove	Chairman, Siuslaw Parks and Recreation Committee, presents testimony in support of the bill. (EXHIBIT A)
054	Diane Burch	Siuslaw Parks and Recreation Committee Member, presents testimony in support of the bill.
064	Rep. Morgan	Asks if there is any opposition to the bill.
060	Grove	Replies not that they know of.
070	Burch	Adds details of a survey taken last year.
082	Rep. Lee	Comments if this doesn't impact other special districts in a negative way, it would be a good tool.
090	P.T. Smith	Siuslaw Parks and Recreation Committee Member, presents

100	Chair Close	testimony in support of the bill. Closes public hearing on HB 3418 and opens a work session on HB 3418.
<u>HB 3418 Work Session</u>		
102	Rep. Morgan	MOTION: Moves HB 3418 to the floor with a DO PASS recommendation.
117	Chair	VOTE: 5-0 AYE: 5 - Jenson, Lee, Monnes Anderson, Morgan, Close EXCUSED: 4 - Hass, Kafoury, King, Kruse The motion CARRIES. JENSON will lead discussion on the floor.
120	Chair Close	Closes work session on HB 3418 and opens a public hearing on SB 710A.
<u>SB 710A Public Hearing</u>		
125	Senator Gary George	District 2, presents overview and testimony in support of the bill which directs the Water Resources Department to appoint a work group to study issues related to trading of water rights between municipal and non-municipal appropriators when municipal appropriation causes substantial interference with or increased appropriation.
180	Rep. Lee	Comments it's a great job that's been done because it will not take farm land out of production.
190	Sen. George	Concurs.
201	Pete Test	Oregon Farm Bureau Federation, presents testimony in support of the bill.
233	Tom Byler	Oregon Water Resources Department, presents testimony in support of the bill. (EXHIBIT C)
260	Willie Tiffany	League of Oregon Cities, presents testimony in support of the bill.
269	Rep. Morgan	Comments on the groups working creatively on solutions to the water issues. Asks if Water Resources Department can do this without a fiscal impact.
273	Byler	Responds yes.
276	Chair Close	Closes the public hearing on SB 710A and opens a work session on SB 710A.
<u>SB 710A Work Session</u>		
280	Rep. Morgan	MOTION: Moves SB 710A to the floor with a DO PASS recommendation.
340	Chair	VOTE: 7-0 AYE: 7 - Hass, Jenson, King, Lee, Monnes Anderson, Morgan, Close EXCUSED: 2 - Kafoury, Kruse The motion CARRIES. REP. LEE will lead discussion on the floor.
360	Chair Close	Closes the work session on SB 710A and opens a public hearing on SB 715A.
<u>SB 715A, Public Hearing</u>		
360	Senator Roger Beyer	District 15, presents overview and testimony in support of the bill which allows division of property in forestland or mixed farm and forest land regardless of minimum lot or parcel size if property has multiple, lawful dwellings each of which complies with statutory criteria for replacement dwelling and each resulting parcel.
380	Leann C. Collins	Presents testimony in support of the bill. (EXHIBIT B)

395 Rep. King Asks if the bill just deals with property that pre-dates the zoning clause.
 390 Sen. Beyer Replies yes.
 415 Ron Eber Oregon Department of Land Conservation and Development, presents testimony in support of the amendments and the bill.
 435 Rep. King Asks if the bill will allow deed clarification and correction on property that predates zoning.
 440 Eber Responds in some respect it will and continues with explanation.
 479 Rep. King Asks if prior to 1993 it was legal to put multiple dwellings on single parcels in forestland.

Tape 114, Side A

025 Eber Replies in some counties that was the practice.
 030 Rep. Hass Asks if this would only apply if there was a dwelling already there, before the 1993 goals.
 035 Eber Concurs.
 040 Rep. Hass Follows by asking how often this would come into play if this law passes.
 045 Eber Responds he has no numbers.
 050 Chair Close Closes the public hearing on SB 715A and opens a work session on SB 715A.

SB 715A, Work Session

060 Rep. Hass **MOTION: Moves to ADOPT SB 715A-3 amendments dated 05/07/01.**
 Chair **Hearing no objection, declares the motion CARRIED.**
 065 Rep. Hass **MOTION: Moves SB 715A as amended to the FLOOR with a DO-PASS RECOMMENDATION**
 Chair **VOTE: 9-0**
AYE: 9 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close
The motion CARRIES.
REP. HASS will lead discussion on the floor.
 075 Chair Close Closes the work session on SB 715A and opens a public hearing on SB 526A.

SB 526A Public Hearing

080 Nikki Whitty County Commissioner, Coos County, presents testimony in support of the bill which eliminates the requirement that county treasure be custodian of moneys of sanitary district.
 100 Chair Close Closes the public hearing on SB 526A and opens a work session on SB 526A.

SB 526A Work Session

101 Rep. Morgan **MOTION: Moves SB 526A to the floor with a DO PASS recommendation.**
 Chair **VOTE: 8-0**
AYE: 8 - Hass, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close
EXCUSED: 1 - Jenson
The motion CARRIES.
REP. KREIGER will lead discussion on the floor.
 110 Chair Close Closes work session on SB 526A and opens work session on HB 2976.

HB 2976 Work Session

120 John Chandler Oregon Building Industry Association, presents testimony in support of the amendments and the bill.

140	Megan Palau	Committee Administrator, presents overview of the bill which requires local government to amend urban growth boundary if analysis finds actual housing types and densities insufficient for next 20 years.
160	Chandler	Explains the amendments. (EXHIBIT D)
200	Rep. Kafoury	Asks for clarification of section 7 in the -1 amendments.
205	Chandler	Responds and continues with explanation.
210	Rep. Kafoury	Asks what the purpose of the bill was before all the amendments were done.
220	Chandler	Addresses the concerns from both sides of the table on the current law concerning measuring current land supply.
225	Rep. Morgan	MOTION: Moves to ADOPT HB 2976-2 amendments dated 5/14/01.
		VOTE: 8-0
	Chair	Hearing no objection, declares the motion CARRIED.
230	Rep. Morgan	MOTION: Moves HB 2976 to the floor with a DO PASS AS AMENDED recommendation.
235	Rep. Hass	Requests delaying the vote on the bill to allow time to review the amendments.
240	Rep. Morgan	Withdraws her previous motion.
260	Chair Close	Closes work session on HB 2976 and opens work session on HB 2981.

HB 2981 Work Session

270	Chandler	Presents overview of HB 2981 which specifies matters to be considered by Land Conservation and Development Commission or local government in deciding whether to prescribe minimum lot size larger than that required on September 28, 2000. Further explains the amendments.
280	Rep. Kafoury	Asks for clarification of reason for the bill.
290	Chandler	Explains the original purpose for the bill.
300	Rep. Kafoury	Continues by asking rulemaking process questions.
305	Chandler	Further explains amendments.
308	Rep. Lee	Asks if the bill will affect incorporation.
310	Chandler	Responds no.
317	Rep. King	Questions the comments on the staff summary, asks for the -2 amendments.
320	Rep. Morgan	MOTION: Moves to ADOPT HB 2981-3 amendments dated 5/14/01.
		VOTE: 9-0
	Chair	Hearing no objection declares the motion CARRIED.
325	Rep. Morgan	MOTION: Moves HB 2981 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0
		AYE: 9 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close
	Chair	The motion CARRIES.
		REP. LEE will lead discussion on the floor.
330	Chair Close	Recesses the Committee until 5:00 at 9:30 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

- A – HB 3418, written testimony, Tom Grove, 5 pp.**
- B – SB 715, written testimony, Leann Collins, 1 p.**
- C – SB 710A, written testimony, Pete Test, 1 p.**
- D – HB 2976, -2 amendment, Jon Chandler, 8 pp.**
- E – HB 2981A,-3 amendment, staff, 2 pp.**
- F – SB 715A, -3 amendment, staff, 5 pp.**

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 14, 2001
5:00 p.m.

Hearing Room E
Tapes 115 –116

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

MEMBERS EXCUSED: Rep. Deborah Kafoury

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

MEASURE/ISSUES HEARD: HB 2714 Public Hearing
SB 606A Work Session
HB 3947 Work Session
HB 2976 Work Session
HB 3654 Public Hearing

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TAPE/#	Speaker	Comments
TAPE 115, A		
003	Chair Close	Reconvenes meeting at 5:10 p.m., opens a public hearing on HB 2714 and the -3 amendment (EXHIBIT A).
<u>HB 2714 – PUBLIC HEARING</u>		
029	Clif Kenagy	Retired farmer from Benton County, presents testimony in opposition to the bill (EXHIBIT B).
102	Chair Close	Asks if he has seen the –3 amendments.
103	Kenagy	Replies he has not.
116	Diana Gardener	Presents testimony in opposition to the bill (EXHIBIT C).
126	Chair Close	Asks if Ms. Gardener has seen the –3 amendments and speaks of the changes from the original bill.
146	Gardener	Asks about the income test.
149	Chair Close	Responds that this would supersede it.
152	Gardener	Continues testimony and opposition to the bill.
209	Harlan Levy	Oregon Association of Realtors, presents testimony in support of the bill.
228	Carrie Kuerschner	1000 Friends of Oregon, presents testimony in opposition to the bill.
293	Chair Close	Staff submits written testimony for Richard Benner in opposition to the bill (EXHIBIT D). Closes the public hearing on HB 2714 and opens a work session on SB 606A.
<u>SB 606A – WORK SESSION</u>		
303	Megan Palau	Committee Administrator presents overview of the bill and the –

1 amendment that removes the prohibition on issuance of permits for recreational mining on scenic waterways.
MOTION: Moves to ADOPT SB 606-A1 amendments dated 5/14/01.
VOTE: 5-0
EXCUSED: 4 - Hass, Kafoury, King, Monnes Anderson
Hearing no objection, declares the motion CARRIED.
MOTION: Moves SB 606 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 5-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 4 - Hass, Kafoury, King, Monnes Anderson
The motion CARRIES.
REP. KRUSE will lead discussion on the floor.
 Chair Close
 Rep. Morgan
 Chair Close
 Chair Close
 Closes the work session on SB 606-A1 and opens a work session on HB 3947.

HB 3947 - WORK SESSION

357 Megan Palau
 Presents overview of HB 3947 and the -1 amendment which permits unexpired 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.
 396 John Ledger
 Provides explanation of the amendments.
 431 Rep. Morgan
MOTION: Moves to ADOPT HB 3947-1 amendments dated 5//01.
VOTE: 6-0
EXCUSED: 3 - Hass, Kafoury, Monnes Anderson
Hearing no objection, declares the motion CARRIED.
MOTION: Moves HB 3947 to the floor with a DO PASS AS AMENDED recommendation.
 Chair Close
 Rep. Morgan
 Rep. Lee
 States she will support this bill because of the work on the current version.
 448
VOTE: 6-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Hass, Kafoury, Monnes Anderson
The motion CARRIES.
 Chair Close
 Rep. Morgan
 Amends her motion.
 467 Rep. Morgan
 473 Rep. Morgan
MOTION: Moves to AMEND the motion by deleting "HB 3947 As Amended" "to go to the Committee on Revenue with a DO PASS RECOMMENDATION".
VOTE: 6-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Hass, Kafoury, Monnes Anderson
The motion CARRIES.
 Chair Close
 Chair Close
 Closes the work session on HB 3947 and opens a work session on HB 2976.

HB 2976 - WORK SESSION

Tape 116, A

039 Jon Chandler
 Presents overview of the amendments.
 076 Rep. Hass
 Proposes conceptual amendment to change period from five to twenty years.

085	Chandler	Replies that he is unclear on the implications of doing that.
109	Rep. Morgan	Addresses data collected, suggests moving the amendments.
117	Rep. Morgan	MOTION: Moves to ADOPT HB 2976-2 amendments dated 5//01.
119		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 – Kafoury The motion CARRIES.
120	Chair Close Sen. Morgan	MOTION: Moves HB 2976 to the floor with a DO PASS AS AMENDED recommendation.
123		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 – Kafoury The motion CARRIES.
	Chair Close	REP. KING will lead discussion on the floor.
130	Chair Close	Closes the work session on HB 2976. Opens a public hearing on HB 3654.

HB 3654 - PUBLIC HEARING

138	Megan Palau	Presents overview of the bill, which authorizes lot of record dwelling on lot or parcel lawfully created before October 5, 1973, within farm or forest zone.
146	Rep. Cedric Hayden	House District 43. Presents testimony in support of the bill and the –4 amendment.
174	Clif Kenagy	Testifies in opposition to the bill.
189	Diana Gardener	Presents testimony in opposition to the bill.
228	Jim Just	Friends of Linn County. Testifies in opposition to the bill (EXHIBIT E) .
271	Carrie Kuerschner	1000 Friends of Oregon, presents testimony in opposition to the bill.
361	Rep. Lee	Asks how this would involve the work group working on ballot Measure 7 now.
367	Kuerschner	Replies she believes it would have a significant impact.
396	Harlan Levy	Oregon Association of Realtors presents testimony in support of the bill and the amendments.
425	Chair Close	Staff submits written testimony from Richard Benner in opposition to the bill (EXHIBIT F) . Closes the public hearing on HB 3654 and adjourns the meeting at 6:15 p.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

Transcribed By,

Cheryl Young
Committee Assistant

EXHIBIT SUMMARY

- A – HB 2714 –3 amendments submitted by Staff, 2pp.**
- B – HB 2714, written testimony, submitted by Clif Kenagy, 3pp.**
- C – HB 2714, written testimony, submitted by D. Gardener, oversized**
- D – HB 2714, written testimony, submitted by Staff, for Richard Benner, 3pp.**
- E – HB 3654, written testimony, submitted by Jim Just, 2pp.**
- F – HB 3654, written testimony, submitted by Staff for Richard Benner, 1p.**