

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 18, 2001
7:00 am

Hearing Room E
Tapes 120 - 123

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: **SB 579A Public Hearing and Work Session**
 HB 3810 Work Session
 HB 2166 Work Session
 HCR 10 Work Session
 HB 2019 Work Session
 SB 724A Public Hearing and Work Session
 SB 928A Public Hearing and Work Session
 HB 3344 Public Hearing and Work Session
 SB 644A Public Hearing
 SB 463A Public Hearing and Work Session
 SB 948A Public Hearing and Work Session
 HB 2714 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 120, A		
004	Chair Close	Convenes meeting at 7:09 a.m., opens public hearing on SB 579A.
<u>SB 579A Public Hearing</u>		
010	Megan Palau	Committee Administrator, presents overview of the bill which requires continuing education for renewal of water well constructor's license on or after June 30, 2005.
022	Jerry Schmidt	Oregon Ground Water Association, presents testimony in support of the bill. (EXHIBIT A)
045	Chair Close	Asks if there was a fiscal statement from the Well Constructor's Committee.

047 Schmidt Replies there is not.
048 Chair Close Asks if it is going to cost anything.
049 Schmidt Replies it is phased in over a period of time.
052 Tom Byler Oregon Water Resources Department, presents testimony in support of the bill.
061 Chair Closes public hearing on SB 579A and opens a work session on SB 579A.

SB 579A Work Session

062 Rep. Morgan **MOTION: Moves SB 579A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 7-0
AYE: 7 - Hass, King, Kruse, Lee, Monnes Anderson, Morgan, Close
EXCUSED: 2 - Jenson, Kafoury
Chair The motion CARRIES.
REP. MONNES ANDERSON will lead discussion on the floor.

070 Chair Close Closes the work session on SB 579A and opens a work session on HB 3810.

HB 3810 Work Session

080 Rep. Hass **MOTION: Moves HB 3810 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.**
VOTE: 6-0
AYE: 6 - Hass, Kruse, Lee, Monnes Anderson, Morgan, Close
EXCUSED: 3 - Jenson, Kafoury, King
Chair The motion CARRIES.

132 Chair Close Closes work session on HB 3810 and opens work session on HB 2166.

HB 2166 Work Session

135 Palau Presents summary of the bill which repeals the sunset for wildlife hunting and angling fee, tag fee and other fee increases.
140 Rep. Morgan **MOTION: Moves HB 2166 to the Joint Committee on Ways and Means without RECOMMENDATION to passage.**
VOTE: 8-0
AYE: 8 - Hass, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close
EXCUSED: 1 - Jenson
Chair The motion CARRIES.

160 Chair Close Closes work session on HB 2166 and opens work session on HCR 10.

HCR 10 Work Session

162 Palau Presents overview of the bill which recognizes benefits to state of Willamette River Greenway and continuing need to protect, preserve and enhance this valuable resource.
165 Rep. Morgan **MOTION: Moves HCR 10 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.**
VOTE: 8-0
AYE: 8 - Hass, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close

	Chair	EXCUSED: 1 - Jenson
170	Chair Close	The motion CARRIES. Closes work session on HCR 10 and opens a work session on HB 2019.
<u>HB 2019 Work Session</u>		
171	Palau	Presents summary of the bill which prohibits local government from adopting or implementing ordinance prohibiting maintenance, modification or storage of hobby vehicles in area zoned by local government under certain conditions.
173	Rep. Morgan	MOTION: Moves HB 2019 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage. VOTE: 8-0 AYE: 8 - Hass, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close EXCUSED: 1 - Jenson
	Chair	The motion CARRIES.
175	Chair Close	Closes work session on HB 2019 and opens public hearing on SB 724A.
<u>SB 724A Public Hearing</u>		
176	Palau	Presents overview of the bill which requires permit for certain development on agricultural or forestland to be valid for four years.
182	Harlan Levy	Oregon Association of Realtors, presents testimony in support and explanation of the bill.
192	Rep. Lee	Asks what the conceptual amendment will do.
194	Levy	Responds with explanation of the amendment.
196	Rep. Hass	Asks why they're doing this.
198	Levy	Presents the background and explains the situation.
220	Rep. Monnes Anderson	Asks if there is any opposition to the bill.
205	Levy	Replies that he believes that DLCD is in support and that 1000 Friends of Oregon did oppose originally and is not certain of their position now.
224	Ron Eber	Oregon Department of Land Conservation and Development, presents testimony in support of the bill as amended.
250	Chair Close	Asks for a brief explanation of the statutes listed in the bill.
255	Eber	Replies with explanation of the reference in the statutes concerning allowable dwellings.
270	Carrie Kuerschner	1000 Friends of Oregon, presents testimony in support of the bill as amended.
285	Art Schlack	Association of Oregon Counties, presents testimony in support of the bill.
309	Chair Close	Closes public hearing on SB 724A and opens the work session on SB 724A
<u>SB 724A, Work Session</u>		
286	Rep. Morgan	MOTION: Moves the conceptual amendments to SB 724-A .
	Chair	Hearing no objection, declares the motion CARRIED.
286	Rep. Morgan	MOTION: Moves SB 724A as conceptually amended to the floor with a DO PASS recommendation. VOTE: 9-0 AYE: 9 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close

Chair

290 Chair Close

The motion CARRIES.

REP. KRUSE will lead discussion on the floor.

Closes work session on SB 724A and opens public hearing on SB 928A.

SB 928A Public Hearing

336 Palau

Presents overview of the bill which extends the sunset for provision that allows establishment of guest ranch in exclusive farm use zone in eastern Oregon.

340 Katie Cate

Oregon Cattleman’s Association, presents testimony in support of the bill.

365 Gillian Lyons

Oregon Natural Dessert Association, presents testimony in opposition to the bill. **(EXHIBIT B)**

438 Rep. Kafoury

Asks if there were any objections or concerns for this bill on the Senate side.

440 Lyons

Replies that they missed it when it was on the Senate side.

443 Rep. Monnes

Asks if land use planning rules would have to be adhered to in order to build landing strips and asks for clarification.

Anderson

450 Lyons

Explains the process followed to get approval for the airport facility.

Tape 121 Side A

050 Rep. Jenson

Asks what negative affect would this have on agriculture in eastern Oregon.

060 Lyons

Responds it could be misapplied by people not actually in the business of raising livestock, it could be abused.

059 Rep. Jenson

Suggests it is like an easement that maintains a ruse of agriculture.

063 Lyons

Continues with explanation of possible misapplications.

070 Rep. Jenson

States he assumes those issue would be raised at the county level.

073 Lyons

Adds it would probably depend on the kind of activities taking place on the guest ranch.

078 Ron Eber

Oregon Department of Land Conservation and Development, presents testimony in support of the bill.

090 Rep. Monnes
Anderson

Asks how far the nearest airport is.

093 Eber

Replies he doesn’t know.

100 Jim Welsh

Oregon Family Farm Association, presents testimony in support of the bill.

111 Chair Close

Closes public hearing on SB 928A and opens work session on SB 928A.

SB 928A Work Session

120 Rep. Jenson

MOTION: Moves SB 928A to the floor with a DO PASS recommendation.

125

VOTE: 8-0

AYE: 8 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Close

EXCUSED: 1 - Morgan

Chair

The motion CARRIES.

REP. JENSON will lead discussion on the floor.

130 Chair Close

Closes work session on SB 928A and opens public hearing on HB 3344.

HB 3344 Public Hearing

133 Palau

Presents summary of the bill which defines science for purposes of statute laws of the state.

145	Katie Cate	Oregon Cattleman’s Association, presents testimony in support of the bill, and explains the –2 amendments. (EXHIBIT C)
165	Jim Welsh	Oregon Family Farm Association, presents testimony in support of the bill.
170	Laurie Aunan	Department of Environmental Quality (DEQ), presents testimony in opposition to the bill and the amendment.
180	Rep. Jenson	Asks if they would support the bill without the –2 amendments.
183	Aunan	Replies no.
183	Rep. Jenson	Follows by asking what are the concerns from the Governor’s office.
185	Aunan	Responds she doesn’t have the information with her.
186	Rep. Jenson	Asks what is science to the department.
188	Aunan	Replies she is not a scientist and continues with testimony.
204	Rep. Close	Explains the definition is from established definitions.
206	Rep. Jenson	Expresses his support of the definition of science.
210	Rep. Close	Concurs.
213	Rep. King	Suggests they take up the definition on the Senate side.
230	Aunan	Concurs that there may be many definitions and it would depend on what you are talking about.
240	Rep. Kafoury	Asks why the definition is inserted only into DEQ statutes.
250	Cate	Explains the Cattleman’s purpose was for water quality only.
263	Rep. Kafoury	Follows by asking about the process of raising cattle with scientific processes and why would this not apply to Fish and Wildlife and other agencies.
270	Cate	Continues with explanation of lack of science being defined in statutes.
283	Chair Close	Closes public hearing on HB 3344 and opens a work session on HB 3344.
285	Rep. Morgan	MOTION: Moves to ADOPT HB 3344-2 amendments dated 5/4/01.
	Chair Close	Hearing no objections, declares the motion carried.
290	Rep. Morgan	MOTION: Moves HB 3344 to the floor with a DO PASS AS AMENDED recommendation.
295	Rep. Kafoury	Expresses her concerns that the bill is directed at one agency and states she will be voting against it.
315	Rep. Monnes Anderson	States she will not support the bill and explains why.
325	Chair Close	Expresses her support for the bill.
350	Rep. Jenson	Expresses his support for the bill.
365	Rep. Monnes Anderson	Comments that the word enterprise is extremely broad, and respectfully disagrees with some of the comments.
		VOTE: 6-3
		AYE: 6 - Jenson, King, Kruse, Lee, Morgan, Close
		NAY: 3 - Hass, Kafoury, Monnes Anderson
	Chair	The motion CARRIES.
		REP. JENSON will lead discussion on the floor.
421	Chair Close	Closes work session on HB 3344 and opens public hearing on SB 644A.

SB 644A Public Hearing
Tape 120 Side B

004	Palau	Presents summary of the bill which permits Water Resources Commission to establish by rule expedited notice and waiting period requirements for substitution of supplemental ground
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015	Sen. Roger Byer	water right for primary water right during drought.
060	Rep. Monnes Anderson	District 15, presents testimony in support of the bill. Asks what in the –A5 amendments is meant by the transfer of water rights.
070	Martha Pagel	Attorney for Oregon Nurserymen’s Association, presents explanation of the –A5 amendments. (EXHIBIT D)
095	Rep. Monnes Anderson	Follows by asking if it would be possible for a person to transfer water rights and then use more water.
100	Pagel	Explains the transfer of water rights and the injury analysis process.
125	Kristina McNitt	Oregon Water Resources Congress, presents testimony in support of the bill. (EXHIBIT E) Presents –A6 amendments. (EXHIBIT F)
205	Larry Troisi	Santiam Water Control District, presents testimony in support of the bill.
239	Chair Close	Asks where is the flexibility in the bill.
243	McNitt	Shows where the flexibility is in the amendment.
270	Jenson	Clarifies there is no new water appropriated, just a transfer of existing water rights.
275	Troisi	Concurs.
286	McNitt	Continues with explanation of the bill.
320	Chair Close	Asks if there is a change in the fee.
325	McNitt	Explains they maintained the existing fee, but doesn’t know what it is.
334	Paul Cleary	Director Department of Water Resources, presents testimony in support of the bill. (EXHIBIT G)
380	Chair Close	Asks if that is a U.S. Government declaration or state.
383	Cleary	Replies it is a state declaration that can be used to aid in a federal declaration.
430	Rep. Jenson	Explains the –A8 and –A9 amendments have a sunset clause.
435	Tom Byler	Oregon Department of Water Resources, presents testimony in support of the bill and the amendments.

Tape 121 Side B

053	Rep. Monnes Anderson	Inquires if he has reviewed the amendments.
055	Byler	Replies he has not looked at them at this point.
058	Rep. Lee	Clarifies the amendments and possibly conforming them.
080	Chair Close	Announces the committee needs to have one more hearing on SB 644A and that staff will schedule one.
090	Willie Tiffany	League of Oregon Cities, presents testimony in support of the bill and the –A6 and –A7 amendments, reserves the right to review the newer amendments.
110	John Killin	Special District Association of Oregon, presents testimony in support of the bill. (EXHIBIT H)
160	Richard Kosesan	Presents testimony in support of the –A6 and –A9 amendments. (EXHIBIT I)
200	Rep. Monnes Anderson	Requests understanding of the process and specifically the –A9 amendments.
215	Kosesan	Explains the amendments.
230	Rep. Kafoury	Asks what committee was SB 17 heard in.
233	Kosesan	Responds the Senate Committee on Natural Resources.
235	Andrew Krawczyk	Representative Garrard’s Office (District 43), presents testimony concerning the –A11 amendments and the waiving of fees.
242	Paul Cleary	Responds to the concerns. Addresses the issue of rebating fees

313 Chair Close and explains there is no waiver of the fee.
Closes public hearing on SB 644A and opens public hearing on SB 463A.

SB 463A Public Hearing

323 Senator Steve Harper District 30, presents testimony in support of HB 463A.
400 Rep. Kafoury Asks what the no votes in the Senate were due to.
405 Sen. Harper Explains the no votes and subsequent amendments.
420 Palau Asks the conceptual amendments to be addressed.
430 Sen. Harper Explains the amendments.
460 Palau Presents summary of the bill which specifies \$1 million as amount of fund established for cleanup of dry cleaning chemicals.

Tape 122, Side A

003 Rep. Monnes Anderson Asks why DEQ is not speaking about the bill.
010 Paul Slyman Department of Environmental Quality's Clean Up Program, presents testimony about the bill.
050 Rep. Kruse Asks if they are ok with the -A5 and -A6 amendments.
052 Slyman Concurs.
061 Rep. Kafoury Asks what the purpose of the sunset is.
063 Slyman Explains sunset clauses.
074 Rep. Kafoury Asks if the -A5 implements a new fee structure.
076 Slyman Concurs.
081 Chair Close Closes public hearing on SB 463A and opens a work session on SB 463A.

SB 463A Work Session

082 Rep. Kruse **MOTION: Moves to ADOPT SB 463A, -A5, -A6 and the conceptual amendments dated 5/18/01.**
Hearing no objection declares the motion CARRIES.
086 Rep. Kruse **MOTION: Moves SB 463A to the floor with a DO PASS AS AMENDED and CONCEPTUALLY AMENDED recommendation.**
Hearing no objections declares the motion carried.
Chair **VOTE: 8-0**
AYE: 8 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Close
EXCUSED: 1 - Morgan
Chair **The motion CARRIES.**
REP. Kafoury will lead discussion on the floor.

SB 948A Public Hearing

092 Chair Close Closes work session on SB 463A and opens a public hearing on SB 948 A.
100 Palau Presents summary of bill which requires Department of Environmental Quality to establish community emission reduction credit bank if requested by county commissioners.
104 Steve Vincent AVISTA Utilities, presents testimony in support of the bill.
(EXHIBIT I)
150 Mike Burrill Former timber industry worker, presents testimony in support of the bill.
171 Rep. King Questions the use of credits for public purposes.
180 Burrill Explains the process.
186 Rep. King Asks if you could sell credits.

191	Burrill	Replies no.
193	Vincent	Presents explanation of the conceptual amendment.
230	Laurie Aunan	Department of Environmental Quality, presents testimony in support of the bill.
241	Rep. Monnes Anderson	Asks if eliminating section 2 of the bill would have an impact statewide.
254	Aunan	Replies no.
260	Rep. King	Asks if an air shed is in violation, will this bill impact it.
266	Aunan	Replies no.
265	Chair Close	Closes the public hearing on HB 948A opens work session on 948A.
265	Rep. Kafoury	MOTION: Moves to ADOPT SB 948-A conceptual amendments dated 5/18/01.
	Chair	Hearing no objection, declares the motion CARRIED.
266	Rep. Kafoury	MOTION: Moves SB 948A as amended to the floor with a DO PASS recommendation.
302	Close	VOTE: 8-0
		AYE: 8 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Close
		EXCUSED: 1 - Morgan
	Chair	The motion CARRIES.
		REP. KING will lead discussion on the floor.
315	Chair Close	Closes work session on SB 948A and opens a work session on HB 2714.
<u>HB 2714 Work Session</u>		
325	Rep. Tootie Smith	District 28, presents testimony in support of the bill.
330	Jim Welsh	Oregon Family Farm Association, presents overview of the bill and testimony in support of the bill.
351	Rep. Hass	Asks how does the bill limit the hobby farm.
358	Welsh	Responds by using a capability test
377	Don Schellenberg	Oregon Farm Bureau, presents explanation of capability tests.
393	Rep. Monnes Anderson	Asks why does it have to be in statute and not in rule.
395	Schellenberg	Replies the bill doesn't put it in statute, instead it directs rulemaking.
421	Ron Eber	Department of Land Conservation and Development, states they are not in support of the -5 amendments.
471	Rep. Smith	States they're comparing apples and oranges.
475	Schellenberg	Addresses the capability test use.
<u>Tape 123, Side A</u>		
030	Rep. Kafoury	Asks if the parcel has to be currently under farm production.
060	Schellenberg	States he believes that is correct.
007	Rep. Kafoury	Asks if that is different from what it is now.
080	Schellenberg	Replies yes.
081	Rep. Jenson	Asks if we had this bill earlier in session.
082	Rep. Smith	Presents history of the bill.
085	Rep. Jenson	Comments on previous testimony and discussions on the bill.
<u>HB 2714 Work Session</u>		
090	Rep. Kruse	MOTION: Moves to ADOPT HB 2714-A5 amendments dated 05/18/01.
093	Rep. Monnes Anderson	States her concerns with the amendments and that she will not be in support of the bill.
		VOTE: 8-0

096	Chair Rep. Kruse	Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 2714 be sent to the floor with a DO PASS AS AMENDED recommendation.
100	Chair Close	VOTE: 5-3 AYE: 5 - Jenson, King, Kruse, Lee, Close NAY: 3 - Hass, Kafoury, Monnes Anderson EXCUSED: 1 - Morgan Chair The motion CARRIES. REP. SMITH will lead discussion on the floor.
105	Chair Close	Closes work session on HB 2714 and adjourns meeting at 10:30 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

- A – SB 579A, written testimony, Jerry Schmidt, 2 pp.**
- B – SB 928, written testimony, Gillian Lyons, 2 pp.**
- C – HB 3344, amendments dated 5/4/01, staff, 2 pp.**
- D – SB 644A, written testimony, Martha Pagel, 3 pp.**
- E – SB 644A, written testimony, Kristina McNitt, 3 pp.**
- F – SB 644A, amendments 5/16/01, Kristina McNitt, 10 pp.**
- G – SB 644A, written testimony, Paul Cleary, 3 pp.**
- H – SB 644A, written testimony, John Killin, 1 p.**
- I - SB 644A, written testimony, Richard Kosesan, 17 pp.**
- J – SB 948, written testimony, Steve Vincent, 1 p.**
- K – HB 2714, written testimony, Don Schellenberg, 1 p.**
- L – SB 928, written testimony only, Speaker Simmons, 1 p.**