

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 2, 2001
8:00 am

Hearing Room E
Tapes 99 - 101

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 3536 Public Hearing and Work Session
HB 2049 Public Hearing
HB 3099 Work Session
HB 2049 Work Session
HB 2370 Public Hearing and Work Session
HB 2890 Public Hearing 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 99, A		
003	Chair Close	Convenes meeting at 8:09 a.m., opens public hearing on HB 3536.
005	Megan Palau	Presents summary of the bill which removes the ability to assert privilege for Environmental Audit Reports within criminal investigations or proceedings.
008	John Ledger	Presents testimony in support of the bill.
044	Rep. Monnes Anderson	Requests example of environmental crime.
048	Don Haagenson	Association of Oregon Industries, responds with an example of intentional discharge.
061	Rep. Monnes Anderson	Asks what if someone dies as a result of environment crime.
063	Haagenson	Replies that intentionally discharging is subject to penalties associated with the crime.
070	Rep. Monnes Anderson	Asks about the liability risks.
079	Haagenson	Comments that the bill still retains privilege for civil proceedings.

084	Chair Close	Asks if under the current law this information cannot be subpoenaed
086	Haagenson	Explains under current law it can be.
098	Rep. Morgan	Asks what are we getting back in exchange for giving this ability.
100	Ledger	Explains benefits.
118	Rep. Morgan	Asks what guarantee do we have that we'll get control of these programs.
120	Ledger	Further explains the bill.
125	Rep. Lee	Asks if other states have done this process.
127	Ledger	Concurs.
133	Neil Mullane	Acting Deputy Director of Environmental Quality, presents testimony in support of the bill. (EXHIBIT A)
163	Chair Close	Closes public hearing on HB 3536 and opens work session HB 3536.

HB 3536 Work Session

164	Rep. Kafoury	MOTION: Moves HB 3536 to the floor with a DO PASS recommendation.
	Chair Close	VOTE: 9-0
		AYE: 9 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Morgan, Close
		The MOTION carries. Rep. Monnes Anderson will lead the discussion on the floor.
180	Chair Close	Closes work session on HB 3536 and opens public hearing on HB 2049.

HB 2049 Public Hearing

182	Palau	Presents summary of bill which creates the Interagency Wildlife Damage Management Coordinating Committee to evaluate, recommend, coordinate and publicize measures for controlling damage caused by wildlife.
190	Chair Close	Recesses public hearing on HB 2049 and opens work session on HB 3099.

HB 3099 Work Session

193	Rep. Leonard	District 21, presents explanation of amendment and testimony in support of the bill, which directs State Fish and Wildlife Commission to create system for renewal of hunting and fishing licenses by mail. (EXHIBIT B)
224	Rep. Morgan	Asks if there is a fiscal impact statement on the latest amendments.
226	Rep. Leonard	Replies no.
228	Chair Close	Refers to line 16 which states the department shall provide the necessary staff.
230	Rep. Morgan	Agrees and comments that that will cost money.
233	Rep. Leonard	Comments the goal is to do it with existing staff.
239	Rep. Kruse	Asks who would be on the task force.
240	Rep. Leonard	Replies he would hope it would be users of the system.
245	Rep. Kruse	Continues by asking if they would participate voluntarily.
246	Rep. Leonard	Concurs and continues with testimony.
278	Rep. Kruse	Asks if ODFW can address the staff time issue.
280	Roy Elicker	Oregon Department of Fish and Wildlife, presents testimony in support of the bill and amendments. Addresses the potential of costs for world wide web.
302	Kruse	Asks how much staff time is estimated for the project.
305	Elicker	Responds he will provide the information.

315	Rep. Monnes Anderson	Asks if the department has a web site.
316	Elicker	Concurs.
318	Rep. Monnes Anderson	Asks if there could be a link to their database.
320	Elicker	Replies that ODFW does not have programmers to do this and they would have to contract the linking, addresses the issue of security on the web site.
334	Chair Close	Asks if the Department can take credit cards now.
335	Elicker	Replies he's not sure, but knows they can not take them over the internet.
339	Rep. King	Asks if this would be an appropriate issue for the cabinet, all agencies may eventually have to deal with taking money over the internet.
369	Elicker	Responds with a breakdown of costs of license.
379	Rep. King	Follows by asking if they can get a handle for the feelings of people that sell the license.
382	Rep. Leonard	Refers to previous testimony by license sellers.
403	Rep. Jenson	Comments on economic benefit to the department.
410	Elicker	Concurs.
412	Rep. Jenson	Comments on industry and addresses the issue of the web.
443	Elicker	Suggests the pilot project could trigger the renewal of licenses.
452	Rep. Jenson	Commends Rep. Leonard for presenting the bill.
460	Rep. Leonard	Comments on complexity of the rules.
471	Rep. Kruse	Expresses support for the bill.
Tape 100, Side A		
050	Elicker	Explains the department's efforts to simplify regulations.
065	Rep. Kruse	Comments on the impacts on casual fishermen.
080	Rep. Jenson	MOTION: Moves to ADOPT HB 3099-2 amendments dated 5/2/01.
		VOTE: 8-0
	Chair	Hearing no objection, declares the motion CARRIED.
089	Rep. King	States he will support the bill, but is concerned about the fiscal.
091	Rep. Leonard	States he will follow up in the Senate.
085	Rep. Jenson	MOTION: Moves HB 3099 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0
		AYE: 8 - Hass, Jenson, Kafoury, King, Kruse, Lee, Monnes Anderson, Close
		EXCUSED: 1 - Morgan
	Chair	The motion CARRIES.
		REP. LEONARD will lead discussion on the floor.
095	Chair Close	Closes work session on HB 3099 and reopens public hearing on HB 2049.
<u>HB 2049 Public Hearing</u>		
100	Rep. Lee	Presents summary of work group and explains the amendments. (EXHIBITS C & D)
168	Rep. Monnes Anderson	Asks who makes up the committee.
173	Rep. Lee	Replies sheep growers, farmers, cattlemen and others would be impacted.
186	Roger Huffman	Oregon Department of Agriculture, presents testimony in

219	Chair Close	support of the bill. (EXHIBIT E)
223	Roger Huffman	Asks how big group will be.
228	Roy Elicker	Doesn't know, guesses 10-12. Oregon Department of Fish and Wildlife, states the intention of the department is for it to be successful and therefore have more people involved.
235	Chair Close	Asks about public involvement.
240	Elicker	Not as formal as a hearing, but there would be public announcements in papers inviting folks in to discuss issues.
244	Rep. Jenson	Expresses concern for multi agency involvement because the more agencies involved the more the degree of confusion.
288	Chair Close	Asks why would they remove the members of the work group in the amendments.
290	Rep. Lee	Explains both agencies are aware of who will participate, explains amendments further.
312	Rep. Jenson	States he is not suggesting to further amend the bill.
323	Rep. King	Asks if the agencies need the bill to create the council and asks for assurance it is going to be a public meeting.
342	Chair Close	Closes public hearing on HB 2049 and opens work session on HB 2049.

HB 2049 Work Session

345	Rep. Jenson	MOTION: Moves to ADOPT HB 2049-1 amendments dated 4/17/01.
		VOTE: 8-0
	Chair	Hearing no objection, declares the motion CARRIED.
348	Rep. Jenson	MOTION: Moves HB 2049 to the floor with a DO PASS AS AMENDED recommendation.
		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.
390	Chair Close	Closes work session on HB 2049 and opens public hearing on HB 2370.

HB 2370 Public Hearing

394	Chris Crean	Oregon State Bar, presents testimony in support of HB 2370 which adjusts series references related to certain land use statutes.
454	Chair Close	Asks what was the motivation for doing this.
460	Crean	Responds professional pride.
470	Chair Close	Closes public hearing on HB 2370 and opens work session on HB 2370.

HB 2370 Work Session

470	Rep. Kafoury	MOTION: Moves HB 2370 to the floor with a DO PASS recommendation.
		VOTE: 7-0
		AYE: 7 - Hass, Kafoury, King, Kruse, Lee, Monnes Anderson, Close
		EXCUSED: 2 - Jenson, Morgan
	Chair	The motion CARRIES.
		REP. KAFOURY will lead discussion on the floor.
488	Chair Close	Closes work session on HB 2370 and opens public hearing on

HB 2890.

HB 2890 Public Hearing

001	Palau	Presents overview of bill which requires farm income standard used to determine whether dwelling is customarily provided in conjunction with farm use to be adjusted to current year dollars.
015	Randy Tucker	1000 Friends of Oregon, presents testimony in support of the bill.
035	Harlan Levy	Oregon Association of Realtors, presents testimony neutral to the bill.
075	Ron Eber	Oregon Department of Land Conservation and Development, presents testimony neutral to the bill.
103	Rep. King	Asks if the calculation will be done once a year.
105	Eber	Replies it will be done once a year.
115	Rep. Hass	Asks if anyone has done the calculations to see where we would be now.
120	Eber	Replies the Farm Bureau has and they have the numbers.
125	Tucker	Presents information from the Farm Bureau's testimony.
156	Rep. Kafoury	Asks for clarification of the difference between the two bills.
166	Rep. Lee	Comments on the 1993 reference in the law.
170	Rep. Monnes	States she wants information on HB 3089. Closes public hearing on HB 2890.
	Anderson	
190	Chair Close	Explains amendments to the bill.
203	Rep. Kafoury	Asks if the plan is to move both bills.
206	Chair Close	States she doesn't have a plan but wants to consider them separately.
210	Chair Close	Opens a work session on HB 2890.

HB 2890 Work Session

215	Rep. King	Comments on price index, and states his support for the bill.
225	Rep. Kruse	Comments on one market basket theory not working.
255	Rep. Hass	Suggests the employment department make their own market index, using Oregon crops.
260	Rep. Kruse	Remarks Oregon Department of Agriculture does that already.
263	Rep. Hass	Concurs and continues with comments.
270	Rep. Lee	Adds the OSU Extension Services does that yearly.
277	Rep. Kruse	Remarks it is almost scientific.
280	Rep. King	Suggests leaving it to Land Conservation and Development to decide which index.
290	Don Schellenberg	Oregon Farm Bureau, presents testimony in support of the bill.
315	Rep. Monnes	Recalls remarks that the indexes should be cited and the income test should be for 1994 and 1993, asks for comments.
	Anderson	
340	Schellenberg	Explains indexes and explains the year section.
355	Rep. Kafoury	Asks if the Farm Bureau also wants the farm unit definition.
360	Schellenberg	Concurs.
370	Rep. Kruse	Suggests that the indexes should be regionally specific.
380	Schellenberg	Asks for clarification.
386	Rep. Kruse	Restates question.
389	Schellenberg	Continues with testimony.
400	Rep. Kruse	States the annual survey done by Oregon State surveys all commodities.
408	Schellenberg	States that is something Oregon State does and not the Department of Agriculture.
410	Rep. Kruse	Stresses that the information should be available to the agencies.
413	Rep. Lee	Asks if the language in the two bills should be conformed and if

418	Schellenberg	the bills should be combined.
427	Rep. King	Responds its immaterial to him.
432	Schellenberg	States there could be a redundancy if both bills are passed.
440	Chair Close	Agrees we don't need both bills if they are not amended.
442	Schellenberg	Describes differences in the bills.
450	Rep. Kafoury	Explains the differences and continues with testimony.
		Asks if they did not amend HB 3089 and added something that made it similar to this bill.
455	Chair Close	Explains the amendments went further than that.
460	Schellenberg	Explains that all HB 3089 did was direct DLCD to adopt rules that would implement the concepts in both bills.
466	Rep. Kruse	States that the combination of the two bills made a reference of the income test in statute.
470	Schellenberg	Reiterates the purpose of HB 3089.
477	Rep. Kruse	States we need to have the bill to discuss thoroughly.
480	Chair Close	Closes public hearing on 2890 and adjourns the meeting at 9:30 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

- A – HB 3536, written testimony, Neil Mullane, 5 pp.**
- B – HB 3099 -2 amendments, written testimony, staff, 1 p.**
- C - HB 2049-1 amendments, written testimony, staff, 1 p.**
- D – HB 2049, written testimony, Rep. Lee, 3 pp.**