

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 04, 2001
8:30 am

Hearing Room E
Tapes 102 - 104

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 3407 Work Session
HB 2804 Public Hearing and Work Session
HB 2886 Public Hearing
HB 3028 Public Hearing
HB 3558 Public Hearing
HB 3344 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 102, A		
003	Chair Close	Calls committee to order at 8:12 a.m. and opens a work session on HB 3407.
<u>HB 3407 WORK SESSION</u>		
005	John Ledger	Presents testimony supporting HB 3407. Refers to the -3 amendments.
007	Rep. Lee	MOTION: Moves to ADOPT HB 3407-3 amendments dated 4/24 /01.
008	Chair Close Rep. Lee	Hearing no objection declares the motion carried. MOTION: Moves HB 3407 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Kruse, 1 - Monnes-Anderson, 1- Morgan
010	Chair Close	The motion CARRIES. REP. JENSON will lead discussion on the floor.
<u>HB 2804 PUBLIC HEARING</u>		
058	Megan Palau	Committee Administrator, presents overview of HB 2804 which prohibits enforcement by Land Conservation and Development Commission of farm income test as condition for approval of dwellings or other buildings customarily provided in conjunction with farm use.
077	Rep. Tootie Smith	District 28, presents testimony supporting HB 2804 and the -3

087	Carrie Kuerschner	amendments. (EXHIBIT A) Staff Attorney, 1000 Friends of Oregon, presents testimony in support of HB 2804.
110	Jim Welsh	Oregon Family Farm Association, presents testimony in support of the bill.
124	Harlan Levy	Staff Attorney, Oregon Association of Realtors, presents testimony in support of the bill.
125	Chair Close	Closes public hearing on HB 2804 and opens a work session on HB 2804.

HB 2804 WORK SESSION

127	Rep. Hass	MOTION: Moves to ADOPT HB 2804-3 amendments dated 05/02/01.
	Chair Close	Hearing no objections declares the motion carries.
128	Rep. Hass	MOTION: Moves HB 2804 to the floor with a DO PASS AS AMENDED recommendation.
129	Rep. Jenson	Expresses concern for the omission of "step children" from the bill.
130	Rep. Smith	Explains that per Harrison Connelly (Legislative Counsel), it is covered by other definitions and reads from bill.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 3 - Kafoury, Monnes-Anderson, Morgan
135	Chair Close	The motion CARRIES.
		REP. T. SMITH will lead discussion on the floor.
136	Chair Close	Closes work session on HB 2804 and opens a public hearing on HB 2886.

HB 2886 PUBLIC HEARING

227	Palau	Presents overview of HB 2886 which requires court to consider agricultural land use policy when deciding whether to order partition or sale of land.
256	Jean Wilkinson	Oregon Farm Bureau, explains the -2 amendments and presents testimony in support of the bill.
303	Rep. Kruse	Comments on the -3 amendments.
306	Wilkinson	States that she supports the -2 amendments and that they remove the retroactivity clause.
335	Rep. Hass	Asks if the retroactive part would apply to pending cases.
340	Wilkinson	Explains the amendments remove the retroactive clause, and that it would not apply.
350	Chair Close	Further explains the removal of the retroactivity clause.
354	John Grove	Attorney from Milton Freewater, presents written testimony (EXHIBIT B) in opposition to HB 2886. Explains the legal dispute and zoning issues.
424	Chair Close	Requests names of people knowledgeable on partition law.
TAPE 103, A		
030	Grove	Provides names and continues with testimony.
111	Rep. Jenson	Asks if one of the names provided would have any kind of conflict of interest in the case.
121	Grove	Responds with explanation of who represents who.
123	Rep. Jenson	Asks for clarification by Karen Nelson Applegate.
125	Karen Nelson Applegate	Responds not to her knowledge.
130	Grove	Presents more names of experts.
142	Wilkinson	Clarifies legal advice on the bill.

179	Chair Close	Asks if she specifically discussed the retroactivity issue and did they sign off on it.
185	Wilkinson	They did not have deep discussions about the retroactivity, but did support the entire bill.
186	Rep. Jenson	Request Mr. Grove submit comments in writing.
190	Chair Close	Closes public hearing on HB 2886 and opens a public hearing on HB 3028.

HB 3028 PUBLIC HEARING

200	Palau	Summarizes the bill which modifies lists of farm uses and nonfarm uses allowed outright and conditionally allowed in exclusive farm use zone.
226	Chair Close	Closes public hearing on HB 3028 and opens public hearing on HB 3558.

HB 3558 PUBLIC HEARING

245	Rep. Patti Smith	District 56, presents testimony in support of the bill which requires State of Oregon to pay compensation for improvements made to and for taxes paid on submersible and submerged lands that are determined to be owned by state as result of navigability determination. (EXHIBIT C)
312	Chair Close	Asks if she would address the –2 amendments. (EXHIBIT D)
315	Smith	States the 3 branches of government should make the decision, not a state agency, continues with testimony.
340	Phil Donovan	Representing the NW Steelheaders, presents testimony in opposition to the bill.
346	Bill Pye	Albany Chapter NW Steelheaders, presents testimony in opposition to the bill.
406	Donovan	Presents critique of the –2 amendments.
426	Chair Close	Comments on the amendments.
430	Greg Leo	Oregon Alliance for River Stewardship, presents testimony in support of the bill. (EXHIBIT E)

TAPE 102, B

030	Beverly Jones	Sandy River property owner, presents testimony in support of the bill.
190	Leo	Asks how much land is involved.
200	Jones	Responds in her case its about 33 acres, and continues with testimony.
205	Chair Close	Asks if, as a land owner who owns to the center of the river, she is allowed to take gravel from the river.
210	Jones	Replies no.
216	Leo	Adds to his testimony.
235	Rep. Karen Minnis	District 20, presents testimony in support of the bill.
270	Rep. Jenson	Questions concerning the amendments.
280	Rep. Kafoury	States they don't have the –1 amendments. (EXHIBIT F)
285	Chair Close	Asks if she will address –2 amendments.
286	Rep. Minnis	States she would like to leave it up to the committee on how to proceed on the study issue.
305	Rep. Monnes Anderson	Asks if there was a study before on navigability.
310	Rep. Minnis	Responds there has been a study done.
315	Leo	States there has been a study done on the Sandy River and it was determined to be navigable.
325	Rep. Kafoury	Asks if this bill is asking for an additional study to be done.
335	Leo	Responds no, what they're asking is for the final determination

350 Rep.Kafoury be made by the legislature.
Follows by stating the Land Board are elected officials subject to election, and why do we need to have one more layer of government involved in the decision.

365 Leo Replies there is a basic conflict of interest in the Land Board making a decision.

376 Rep. Kafoury Comments that the Land Board is subject to the same election standards as legislatures are.

380 Leo Addresses private property ownership issues, and the forum for making the decisions.

388 Rep. Monnes Anderson Asks if the study will address navigability only or will it address compensation as well.

390 Leo Responds it will address both issues.

396 Carolyn Jorgenson Friends of the Applegate, presents testimony in support of the bill.

TAPE 104, B

430 Pat Mollo Friends of the Applegate, presents testimony in support of the bill.

030 Chair Close Asks who did they deal with at the meetings.

035 Mollo Replies she will provide the names and continues with testimony.

070 Kimberly O’Connell Friends of the Applegate, presents testimony in support for the bill.

135 Rep. Kruse Comments on inaccuracy of high water marks.

143 Rep. King Asks if when the property was purchased did the realtor give any disclosure as to navigability issue.

145 O’Connell Replies no.

160 Chair Close Closes public hearing on HB 3558 and opens a public hearing on HB 3344.

HB 3344 Public Hearing

165 Palau Summarizes the bill which defines science for purposes of statute laws of the state.

175 Katie Cate Oregon Cattleman’s Association presents testimony in support of the bill. **(EXHIBIT G)**

205 Pat Larson Presents testimony in support of the bill. **(EXHIBIT F)**

276 Chair Close Requests explanation of the amendments.

280 Cate Presents explanation of the amendments.

290 Rep. Kafoury Asks for specific examples of pseudo science.

300 Cate Refers to opinions that are given out without peer review.

315 Larson Refers to her written testimony for examples.

350 Rep. Monnes Anderson Follows by restating the statement in regards to shade.

360 Larson Explains that is not something that can be monitored, and continues with testimony.

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

410	Chair Close	Closes public hearing on HB 3344 and opens a work session on HB 3344.
<u>HB 3344 Work Session</u>		
413	Rep. Monnes Anderson	States the definition is extremely broad and she can not support the bill.
420	Chair Close	Reminds the representatives that the definition is from the American Chemical Society and this is established scientific theory.
405	Rep. King	Request the Legislative Counsel's advice if science is defined in statute.
415	Chair Close	States there is a letter Greg Chaimov stating the term science does not appear in statute the bill makes no change in law.
425	Rep. King	States his confusion.
432	Greg Chaimov	Legislative Counsel, states the statutes do not contain a definition of the word science, the bill would add that definition.
450	Chair Close	Closes the work session on HB 3344 and re-opens a work session on HB 3407.
<u>HB 3407 Work Session</u>		
455	Rep Morgan	Asks to reconsider the vote on HB 3407.
460	Rep. Morgan	MOTION: Moves to RECONSIDER the vote by which HB 3407-3 Moves to the floor with a DO PASS AS AMENDED recommendation
	Chair Close	The motion CARRIES.
465	Rep. Lee	MOTION: Moves HB 3407 –3 to the full committee on Ways and Means with a DO PASS RECOMMENDATION to passage.
	Chair Close	VOTE: 8-0
		AYE: 8 - Hass, Jenson, Kafoury, King, Lee, Monnes Anderson, Morgan, Close
		EXCUSED: 1 - Kruse
	Chair	The motion CARRIES.
470	Chair Close	Closes the work session on HB 3407-3 and adjourns the meeting at 10:00 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

- A – HB 2804 –3 amendment, written testimony, submitted by Rep. T. Smith, 1 p.**
- B – HB 2886, written testimony, submitted by John Grove, 57 pp.**
- C - HB 3558, written testimony, submitted by Rep. P. Smith, 2 pp.**
- D – HB 3558 –2 amendment, submitted by staff, 3 pp.**
- E – HB 3558, written testimony, submitted by Greg Leo, 2 pp.**

- F – HB 3558 –1 amendment, submitted by staff, 1 p.**
- G – HB 3344, written testimony, submitted by Katie Cate, 2pp.**
- H – HB 3344, written testimony, submitted by Pat Larson, 4 pp.**
- I – HB 3558, written testimony only, submitted by John Garren, 4 pp.**