

## **HOUSE COMMITTEE ON WATER AND ENVIRONMENT**

**April 28, 1999 Hearing Room D**

**1:00 P.M. Tapes 134 - 139**

**MEMBERS PRESENT: Rep. Jim Welsh, Chair**

**Rep. Jackie Taylor, Vice-Chair**

**Rep. Jason Atkinson**

**Rep. Richard Devlin**

**Rep. Juley Gianella**

**Rep. Deborah Kafoury**

**Rep. Jeff Kruse**

**Rep. Jeff Merkley**

**Rep. Susan Morgan**

**STAFF PRESENT: Kristina McNitt, Administrator**

**Danielle Hamilton, Administrative Support**

**MEASURES HEARD: HB 2713 ñ Work Session**

**HB 2681 ñ Work Session**

**HB 2176 ñ Work Session**

**HB 2833 ñ Work Session**

**HJM 4 ñ Work Session**

**HJM 13 ñ Work Session**

**HB 3616 ñ Work Session**

**HB 2800 ñ Work Session**

**HB 2625 ñ Work Session**

**HB 2181 ñ Work Session**

**HB 2768 ñ Work Session**

**HB 3065 ñ Work Session**

## HB 3075 ñ 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
<b>TAPE 134, A</b>		
005	Chair Welsh	Calls meeting to order at 1:15 p.m. and opens work session on HB 2713.
<b><u>HB 2713 WORK SESSION</u></b>		
016	Rep. Ben Westlund	Representative District 55. Testifies in support of HB 2713. Discusses the purpose of HB 2713.
043	Rep. Taylor	Asks about the addition of Oregon Revised Statutes.
056	Rep. Westlund	Answers that he does not know.
058	Chair Welsh	Comments on statutes.
<b>061</b>	<b>Rep. Atkinson</b>	<b>MOTION: Moves HB 2713 to the floor with a DO PASS recommendation.</b>
063	Rep. Merkley	Asks for clarification regarding retired farmers.
068	Rep. Westlund	Says farmers in the Willamette Valley were losing their agricultural deferment.
073	Chair Welsh	Comments on bill.
080	Rep. Westlund	States that the farmer must have a management plan.
085	Rep. Merkley	Asks staff for clarification regarding ORS 308.277.
098	Chair Welsh	Discusses possible origin of statute.
100	Rep. Westlund	Comments on bill.
<b>122</b>		<b>VOTE: 8-0</b>

		<p><b>AYE: 8 - Atkinson, Kafoury, Kruse, Merkley, Morgan, Taylor, Welsh</b></p> <p><b>EXCUSED: 1- Gianella</b></p>
	Chair Welsh	<p><b>The motion CARRIES.</b></p> <p><b>REP. WESTLUND will lead discussion on the floor.</b></p>
133	Chair Welsh	Closes work session on HB 2713 and opens a work session on HB 2681.
<b><u>HB 2681 WORK SESSION</u></b>		
138		Staff provides copies of proposed HB 2681-1 ( <b>EXHIBIT A</b> ) and HB 2681-2 ( <b>EXHIBIT B</b> ) amendments.
139	Rep. Tim Knopp	Representative District 54. Testifies in support of HB 2681. Discusses the problem in the South Bend area.
171	Mary Bryant	Legislative Assistant to Senator Neil Bryant. Expresses Sen. Bryant's support for the HB 2681's amendments.
183	Chair Welsh	Questions which amendments should be considered.
189	Rep. Knopp	Requests that the HB 2681's amendments be adopted.
200	Rep. Westlund	Testifies in support of HB 2681.
230	Ron Garzini	Assistant City Manager, City of Bend. Describes support from Bend City Council regarding legislation to allow the Public Utilities Commission (PUC) to regulate private sewer utilities in the City of Bend. ( <b>EXHIBIT C</b> )
283	Greg Hindriggs	Attorney in Bend. Supports HB 2681.
325	Kim Ward	Owner, Crown Villa RV Park, Bend. ( <b>EXHIBIT D</b> ) Supports HB 2681. Expresses concerns with the lack of regulation on private sewer systems. Comments that the measure is structured very narrowly.
376	Kristi Michaelis	Resident of Bend. Testifies in support of HB 2681 ( <b>EXHIBIT E</b> ).
<b>TAPE 135, A</b>		

011	Lori Owen	Resident of Bend. Comments that many were aware of the problem. States her personal water bill has increased 100% in two years time.
043	Ronald Reid	Resident of Bend. Testifies in support of HB 2681 ( <b>EXHIBIT F</b> ). Reads written testimony.
063	Rep. Morgan	Asks if there are other cities besides Bend that have utilities that will fall into this classification.
068	Rep. Knopp	Answers the bill applies to one Bend utility company if the HB 2681-1 amendments are adopted.
<b>074</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves to ADOPT HB 2681-1 amendments dated 4/7/99.</b>
		<b>VOTE: 9-0</b>
080	<b>Chair Welsh</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>081</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves HB 2681 to the floor with a DO PASS AS AMENDED recommendation.</b>
089	Rep. Merkley	Expresses support for HB 2681.
100	Rep. Taylor	Comments on bill.
104	Rep. Knopp	Expresses support for bill.
<b>120</b>		<b>VOTE: 9-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
130	Chair Welsh	Closes work session on HB 2681 and opens a work session on HB 2176.

<b><u>HB 2176 WORK SESSION</u></b>		
134	Kristina McNitt	Committee Administrator. Summarizes HB 2176. Points out the HB 2176 amendments ( <b>EXHIBIT G</b> ).
148	John Brenneman	Manufactured Housing Communities of Oregon. Testifies in support of HB 2176 ( <b>EXHIBIT H</b> ). Describes purpose of HB 2176-1 amendments.
<b>193</b>	<b>Rep. Gianella</b>	<b>MOTION: Moves to ADOPT HB 2176-1 amendments dated 2/8/99.</b>
199	Tom Johnson	Health Division. Describes issue of quality of drinking water in small systems. \$2 million could be available to improve quality of small drinking water systems.
237	Chair Welsh	Asks if federal law was provided to the committee.
242	Johnson	Says yes. Comments the developed program would be fair.
245	Rep. Merkley	Comments on materials provided to committee.
260	Rep. Taylor	Asks if the number of small water systems in the state that do not meet drinking water standards is over 200.
268	Dave Leland	Health Division. Answers yes. Says there are many small water systems in Oregon. Comments on reasons that there are more violations in small systems.
288	Johnson	Points out a long list of applications for funds.
294	Chair Welsh	Asks if the federal guidelines are still in draft form.
298	Leland	States he has provided the final language to the committee.
310	Chair Welsh	Asks for specific EPA language.
312	Rep. Gianella	Asks if they are expecting a high school education to be an operator.
318	Johnson	Answers that it can include "or equivalent."
320	Rep. Gianella	Asks if a person who had been operating a water system for a long time with an eighth grade education would be required to prove a high school education.

335	Leland	States that the current program had the same issue and existing operators were "grandfathered" in.
343	Chair Welsh	Asks Brenneman if he has seen the final EPA requirements.
349	Brenneman	States there was nearly an agreement. Comments that violations do not mean unsafe drinking water.
374	Rep. Devlin	Asks what the Health Division's position would be if the HB 2176-1 amendments passed.
380	Johnson	Says the division will still want the bill, even with the HB 2176-1 amendments.
391	Leland	States that the first two parts of the bill address primacy issues that the Health Division needs.
<b>TAPE 134, B</b>		
001	Leland	Informs the committee that the final guidelines were issued February 19.
004	Rep. Kruse	Expresses concerns with the categories. Questions whether there should be more graduations.
013	Johnson	States there is a large amount of knowledge needed to manage small versus large systems. Provides example of training people that work in restaurants.
033	Rep. Kruse	Comments the structure should be in place ahead of time.
037	Leland	Discusses the time frame to address issues.
043	Chair Welsh	Asks about the time line.
044	Leland	States the program must be in place by February 2001.
048	Chair Welsh	Asks if the timeline can be put in the bill.
050	Brenneman	Answers that a sunset was part of the discussions. States some of his membership did not agree with that provision.
053	Rep. Taylor	Asks how onerous the requirements will be.

061	Brenneman	Comments that some do not think there is a problem.
073	Rep. Gianella	Comments on the current requirement to send a newsletter to residents.
078	Rep. Kruse	States that a bill could be introduced next session or an agreement could be worked out in the Senate.
089	Rep. Taylor	States that \$40 dollars is not an onerous amount of money. Comments on responsibility to comply with Safe Drinking Water Act.
102	Chair Welsh	Comments on timelines.
108	Rep. Merkley	Discusses Mr. Hildabrant's testimony from the January hearing. Remarks that compliance is very high.
149	Rep. Gianella	Comments on fees.
153	Chair Welsh	States support for the HB 2176-1 amendments.
154		<b>VOTE: 5-4</b>  <b>AYE: 5 - Atkinson, Gianella, Kruse, Morgan, Welsh</b>  <b>NAY: 4 - Devlin, Kafoury, Merkley, Taylor</b>
	Chair Welsh	The motion <b>CARRIES</b> .
156	Rep. Kafoury	<b>MOTION: Moves HB 2176 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 9-0</b>
	Chair Welsh	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. GIANELLA will lead discussion on the floor.</b>
158	Chair Welsh	Closes work session on HB 2176 and opens work session on HB 2833.

<b><u>HB 2833 WORK SESSION</u></b>		
160		Staff provides copies of HB 2833-1 amendments ( <b>EXHIBIT I</b> )
165	Jan Lee	Oregon Water Resources Congress. Summarizes the purpose of HB 2833, including HB 2833-1 amendments.
202	Martha Pagel	Water Resources Department. Supports HB 2833-1 amendments.
<b>206</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves to ADOPT HB 2833-1 amendments dated 3/22/99.</b>
		<b>VOTE: 9-0</b>
	<b>Chair Welsh</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>215</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves HB 2833 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 9-0</b>
	<b>Chair Welsh</b>	<b>Declares the motion CARRIED.</b>  <b>REP. ATKINSON will lead discussion on the floor.</b>
225	Chair Welsh	Closes work session on HB 2833 and opens the work session on HJM 4.
<b><u>HJM 4 WORK SESSION</u></b>		
229		Staff distributes copies of HJM 4-2 amendments ( <b>EXHIBIT J</b> ).
230	Rep. Rob Patridge	Representative District 50. Discusses the purpose of HJM 4 and the proposed HJM 4-2 amendments.
273	Rep. Kafoury	Asks about the HJM 4-2 amendments.
277	Rep. Patridge	States they clarify who should be included.



283	Martha Pagel	Water Resources Department. Expresses concerns with HJM 4 ( <b>EXHIBIT K</b> ). States most of their concerns are incorporated in the HJM 4-2 amendments. Discusses proposed changes that are not included in the amendments.
340	Rep. Kruse	Asks why changes are needed.
348	Pagel	Responds that they recommend a neutral tone.
355	Rep. Kruse	Says he understands Ms. Pagel's concerns.
369	Pagel	Responds to Rep. Kruse's comments.
375	Doug Myers	Provides testimony from Water Watch of Oregon ( <b>EXHIBIT L</b> ). Summarizes written testimony. Discusses role of Water Resources Department.
380	Myers	States Klamath Tribes also oppose HJM 4. Describes water rights of tribes.
<b>TAPE 135, B</b>		
024	Chair Welsh	Summarizes HJM 4-2 amendments.
028	Myers	States that they address some concerns.
037	Chair Welsh	Asks if irrigation should be shut down.
040	Myers	States that they may agree to disagree.
045	Rep. Merkley	Asks if page 4, line 3 of the HJM 4-2 amendments address his concerns.
057	Myers	Replies he has not studied the HJM 4-2 amendments closely.
059	Rep. Merkley	Points out Section 2 on page 2 of the HJM 4-2 amendments.
064	Sen. Ted Ferrioli	Senate District 28. Discusses the purpose of HJM 4.
100	Sen. Ferrioli	Discusses process to determine priority water rights. States HJM 4-2 amendments do not go far enough.
116	Chair Welsh	Asks about page 2 of the HJM 4-2 amendments.

120	Sen. Ferrioli	Comments on amendments.
127	Rep. Kruse	States the HJM 4-2 amendments are a compromise.
135	Rep. Taylor	Expresses concerns regarding dispute resolution currently underway. States Klamath Tribes are concerned with the memorial.
153	Sen. Ferrioli	Comments on fairness of adjudication of water rights.
195	Rep. Devlin	Asks about page 2, lines 12-19, of the HJM 4 amendments.
205	Sen. Ferrioli	Answers that the agencies have the right to challenge the allocation, but the state has the right to adjudicate. Says HJM 4 asserts that authority.
227	Glenn Spain	Pacific Coast Federation of Fishermen Association. Testifies in support of HJM 4. Discusses map provided in <b>(EXHIBIT M)</b> . Supports HJM 4-2 amendments.
<b>264</b>	<b>Rep. Morgan</b>	<b>MOTION: Moves to ADOPT HJM 4-2 amendments dated 4/28/99.</b>
269	Rep. Taylor	Comments that the amendments could be improved.
284	Rep. Atkinson	States his support for the HJM 4 amendments.
304	Rep. Gianella	Expresses support for HJM 4.
309	Rep. Merkley	Asks for a delay on the vote to give time for Rep. Taylor to work on language.
315	Chair Welsh	States it could be addressed in the Senate.
<b>323</b>		<b>VOTE: 8-1</b>  <b>AYE: 8 - Atkinson, Devlin, Gianella, Kafoury, Kruse, Merkley, Morgan, Welsh</b>  <b>NAY: 1 - Taylor</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>
<b>338</b>	<b>Rep. MORGAN:</b>	<b>MOTION: Moves HJM 4 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>

340	Rep. Devlin	Comments on additional language.
<b>361</b>		<b>VOTE: 8-1</b>  <b>AYE: 8 - Atkinson, Devlin, Gianella, Kafoury, Kruse, Merkley, Morgan, Welsh</b>  <b>NAY: 1 n Taylor</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>  <b>REP. PATRIDGE will lead discussion on the floor.</b>
367	Chair Welsh	Closes work session on HJM 4 and opens work session on HJM 13.
<b><u>HJM 13 WORK SESSION</u></b>		
398		Staff distributes written testimony from Jeffrey Fryer ( <b>EXHIBIT N</b> ) and Sierra Club ( <b>EXHIBIT O</b> ).
400	Spain	Provides HJM 13-1 amendments ( <b>EXHIBIT P</b> ). Describes current process to address salmon restoration. States memorial may be premature.
<b>TAPE 136, A</b>		
010	Spain	Describes studies conducted on economic impact. Requests HJM 13-1 amendments be adopted.
054	Steve Weiss	Northwest Energy Coalition. Testifies in opposition to HJM 13. Discusses myths relating to removal of dams. ( <b>EXHIBITS Q and R</b> )
104	Weiss	Discusses removal of dams.
155	Weiss	Continues summarizing written testimony.
200	Weiss	Discusses the Clean Water Act. States studies will be issued in a few months.
220	Steve Wise	Save Our Wild Salmon Coalition. Testifies in opposition to HJM 13 ( <b>EXHIBIT S</b> ). States costs have not been fully calculated. States support for HJM 13-1 amendments.

279	Rep. Kafoury	<b>MOTION: Moves to ADOPT HJM 13-1 amendments dated 4/26/99.</b>
280	Rep. Kafoury	States purpose of proposing HJM 13-1 amendments.
283	Rep. Kruse	States opposition to HJM 13-1 amendments. States original memorial is necessary.
290	Rep. Morgan	Opposes HJM 13-1 amendments. Says dam removal is a bad idea.
298	Chair Welsh	Comments on proposals for dam removal.
300	Rep. Merkley	Supports HJM 13-1 amendments.
305	Rep. Gianella	Opposes HJM 13-1 amendments. States costs would be high.
310	Rep. Taylor	Opposes HJM 13-1 amendments. Says Governor doesn't support the measure.
315		<b>VOTE: 4-5</b> <b>AYE: 4 ñ Devlin, Kafoury, Merkley, Taylor</b> <b>NAY: 5 - Atkinson, Gianella, Kruse, Morgan, Welsh</b>
	Chair Welsh	<b>The motion FAILS.</b>
318	Rep. KRUSE:	<b>MOTION: Moves HJM 13 be sent to the floor with a BE ADOPTED recommendation.</b>
317	Rep. Kruse	Comments on dam removal.
325	Chair Welsh	States that once a dam is removed it sets a precedent. Comments on dollars spent to study issues.
<b>TAPE 137, A</b>		
008		<b>VOTE: 5-4</b> <b>AYE: 5 - Atkinson, Gianella, Kruse, Morgan, Welsh</b> <b>NAY: 4 ñ Devlin, Kafoury, Merkley, Taylor</b>

	<b>Chair Welsh</b>	<p><b>The motion CARRIES.</b></p> <p><b>REP. KRUSE will lead discussion on the floor.</b></p>
010	Rep. Kafoury	Serves notice of possible minority report.
015	Rep. Devlin	Serves notice of possible minority report.
034	Chair Welsh	Closes work session on HJM 13 and opens a work session on HB 3616.
<b><u>HB 3616 WORK SESSION</u></b>		
039	Dave Barrows	Representing Chemical Waste Management. Testifies in support of HB 3616 ( <b>EXHIBIT T</b> ). States the amendments are not ready.
059	Don Higginson	Chemical Waste Management. Details sections of HB 3616 and proposed amendments.
100	Barrows	Indicates Association of Oregon Industries is in support of the bill with the amendments. States there is no opposition.
117	Bob Danko	Department of Environmental Quality (DEQ). States DEQ supports bill and the amendments.
120	Chair Welsh	Closes work session on HB 3616 and opens work session on HB 2800.
<b><u>HB 2800 WORK SESSION</u></b>		
130		Staff distributes copies of proposed HB 2800-3 amendments ( <b>EXHIBIT U</b> ).
134	Barrows	Notes the hazardous waste disposal fee has been a flat fee. States two sessions ago the fee structure was changed to be compatible with Idaho. Comments the HB 2800's amendments are agreeable to DEQ. Notes it allows hazardous waste disposal facilities to be competitive with other facilities in other states.
156	Chair Welsh	Asks which amendments should be considered.
160	Barrows	Answers HB 2800's amendments.

162	Rep. Kruse	Asks what "KO61" is.
165	Higginson	Answers it is the dust and sludge from electric arc furnaces that is captured as air pollution.
173	Rep. Kruse	<b>MOTION: Moves to ADOPT HB 2800-3 amendments dated 4/27/99.</b>
		<b>VOTE: 9-0</b>
	Chair Welsh	<b>Hearing no objection, declares the motion CARRIED.</b>
180	Rep. Kruse	<b>MOTION: Moves HB 2800 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 ñ Atkinson, Kafoury</b>
	Chair Welsh	<b>The motion CARRIES.</b>  <b>REP. DEVLIN will lead discussion on the floor.</b>
190	Chair Welsh	Closes work session on HB 2800 and opens work session on HB 2625.
<b><u>HB 2625 WORK SESSION</u></b>		
200		Staff distributes ( <b>EXHIBIT V</b> ).
201	Chair Welsh	Asks Ron Eber to testify.
250	Ron Eber	Department of Land Conservation and Development (DLCD). Provides written testimony ( <b>EXHIBIT W</b> ) with additional information about food processing facilities.
296	Eber	States in land use the small and large scale facilities should be differentiated.

311	Rep. Kruse	Asks about the food processors in the state. Notes that ° acre is not a lot of land.
324	Rep. Merkley	Notes there are a lot of new commercial activities. Asks if these facilities have been placed on exclusive farm use land.
350	Eber	Answers yes.
360	Rep. Merkley	Asks if he wanted to build something larger than 10,000 square feet if he could use the commercial application.
365	Eber	Answers that is correct. Clarifies the standards that would be applied in that example.
370	Rep. Merkley	Asks what would happen to taxes if the square footage limit were increased.
386	Eber	Answers that Association of Oregon Counties may be able to answer that question.
395	Art Schlack	Association of Oregon Counties. Introduces Gil Riddell. States Eber addressed the land use issues. States counties would encourage processing facilities. Says SB 588 passed by 1997 legislature addressed the taxation issues. Recommends the committee refer HB 2625 to the Revenue Committee for further review.
<b>TAPE 136, B</b>		
020	Chair Welsh	Asks if counties will address food processing facilities.
022	Gil Riddell	States the issue should be addressed by the Revenue Committee. Says question is a balance between expanding a special tax treatment versus the benefits gained from it.
036	Chair Welsh	Asks about property taxes on existing facilities.
042	Riddell	Answers it depends on the rate under special farm assessment.
045	Chair Welsh	Says there is food processing occurring closer to town. Asks if counties are already giving food processing lower rates.
055	Riddell	Answers it is determined by statute.
060	Rep. Kruse	Comments that his fruit stand occupies an acre and a half. States he is taxed at commercial rates.

070	Riddell	Responds to comment.
090	Schlack	Comments that the land under an agricultural processing building would not be taxed as farm use. States the land would have a higher value.
111	Rep. Merkley	Asks what the tax advantage is.
115	Riddell	States the Revenue Committee would be able to determine that.
<b>120</b>	<b>Rep. Merkley</b>	<b>MOTION: Moves HB 2625 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue.</b>
121	Chair Welsh	Says the motion is out of order.
123	Rep. Merkley	Explains his purpose of requesting the referral to Revenue Committee.
128	Rep. Morgan	States that economic vitality should be considered when assessing the revenue impact.
130	Chair Welsh	Comments that is a good reminder to the counties.
144	Rep. Devlin	Says there are other avenues to assess the revenue impact.
146	Chair Welsh	Says the bill increases the square footage to 40,000.
<b>153</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves to AMEND the motion to send HB 2625 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by substituting "Do Pass" for the recommendation.</b>
148	Rep. Kafoury	Comments on the addition of a "do pass" recommendation.
<b>177</b>	<b>Rep. Merkley</b>	<b>Withdraws motion.</b>
<b>184</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves HB 2625 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Revenue.</b>
189	Rep. Merkley	Comments on the addition of "do pass." States he will vote no.
194	Rep. Taylor	Expresses concern the bill allows a one acre building on exclusive farm use land.



202		<b>VOTE: 7 ñ 2</b>  <b>AYE: 7- Atkinson, Devlin, Gianella, Kafoury, Kruse, Morgan, Welsh</b>  <b>NAY: 2 - Merkley, Taylor</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>
212	Chair Welsh	Closes the work session HB 2625 and opens a work session on HB 2181.
<b><u>HB 2181 WORK SESSION</u></b>		
230	Rep. Devlin	Discusses HB 2181 and proposed ñ1 amendments ( <b>EXHIBIT X</b> ). States the amendments will allow tax credits for non-point source pollution control.
250	Pete Test	Oregon Farm Bureau. Testifies in support of HB 2181-1 amendments.
267	Joe Hobson	Testifies in support of HB 2181 and proposed amendments. Reads written testimony ( <b>EXHIBIT Y</b> ).
330	Hobson	Asks the committee to conceptually amend the HB 2181-1 amendments by deleting Section 4 (line 31, on page 8 and lines 1 and 2 on page 9).
376	Rep. Devlin	Comments that the bill must go to Revenue Committee. Says an emergency clause could be added.
394	Lori Aunan	Department of Environmental Quality (DEQ). Testifies in support of HB 2181 with amendments. Comments on language in original bill. States the rules the Environmental Quality Commission would adopt will cover non point sources.
410	Chair Welsh	Asks if Aunan approves of the HB 2181-1 amendments and the addition of an emergency clause.
413	Aunan	Replies yes.
<b>TAPE 137, B</b>		
002		<b>By implied consent, the committee SUSPENDS the rules for the purpose of adopting conceptual amendments.</b>
004	<b>Rep. Kruse</b>	<b>MOTION: Moves to AMEND the HB 2181-1 amendments dated 4/23/99 on page 8 by deleting line 31, on page 9 by</b>

		deleting lines 1 and 2, and adding an emergency clause.
		<b>VOTE: 9-0</b>
	<b>Chair Welsh</b>	<b>Hearing no objections, the motion CARRIES.</b>
<b>010</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves to ADOPT the HB 2181-1 amendments dated 4/23/99 as conceptually amended.</b>
015	Rep. Merkley	Asks which amendments are being voted on.
		<b>VOTE: 9 -0</b>
<b>017</b>	<b>Chair Welsh</b>	<b>Hearing no objections, the motion CARRIES.</b>
<b>025</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves HB 2181 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue by prior reference.</b>
		<b>VOTE: 8-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 ñ Morgan</b>
030	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>
033	Chair Welsh	Closes the work session on HB 2181 and opens the work session on HB 2768.
<b><u>HB 2768 WORK SESSION</u></b>		
040		Staff distributes <b>(EXHIBIT Z)</b> .
050	Chair Welsh	Asks for testimony.
082	(witness did not identify himself)	Automotive hobbyist. Describes parts cars. Asks that they be kept on private property out of public view.

091	Chair Welsh	States there is some opposition to the bill. Asks what counties have been a problem. Provides example of the issue.
096	Witness	Answers it is a complaint-driven issue. Discusses example in Clackamas County.
100	Glenn Jagger	Studebaker Automotive Club. Says Marion County has an ordinance similar to HB 2768. Gives personal example. States similar bill last session was tabled.
103	Rep. Taylor	Asks if the previous bill limited it to two vehicles.
108	Chair Welsh	Comments on <b>(EXHIBIT Z)</b> from City of Portland.
111	Jagger	Clarifies that they are talking about special interest or collector cars.
115	Chair Welsh	Asks if they could work with the counties.
121	Rep. Devlin	Expresses concerns with the visual range provisions.
140	Schlack	Testifies in opposition to HB 2768. Comments that HB 2768 is a local issue.
167	Chair Welsh	Asks why the issue comes up each session.
173	Schlack	Answers that some counties and local governments are addressing it but the answers they give are not necessarily what the hobbyists want.
179	Chair Welsh	Asks what can be done.
183	Schlack	Answers that the counties would be willing to work on a compromise. States the issue will likely come back again.
187	Chair Welsh	Agrees it is a local issue. Asks Schlack to work with the hobbyists.
197	Jagger	Provides other examples of problems with hobby cars.
220	Rep. Gianella	Asks how many cars should be allowed.
226	Jagger	Answers that it depends on the area one lives in.
238	Chair Welsh	Comments on portable covers. Asks the interested parties to work out a compromise.

249	Rep. Kruse	Comments that HB 2768 is written too broadly.
250	Rep. Taylor	Comments on the bill. Says she would like to accommodate the hobbyists.
277	Rep. Devlin	Suggests the parties consider focusing on communities that have provisions in place already.
290	Chair Welsh	Asks Rep. Taylor to work with the interested parties.
295	Chair Welsh	Closes the work session on HB 2768 and opens a work session on HB 3065 and HB 3075.
<b><u>HB 3065 AND HB 3075 WORK SESSIONS</u></b>		
304	Dennis Becklund	Grants Pass Irrigation District (GPID). Testifies in support of HB 3065 and HB 3075. Describes how HB 3065 affects GPID.
400	Pagel	Water Resources Department. Testifies in opposition to HB 3065. Discusses water supply issues in GPID.
<b>TAPE 138, A</b>		
026	Rep. Kruse	Requests both witnesses to speak on both bills.
038	Becklund	Testifies in support of HB 3075. Discusses his experiences on the task force.
073	Rep. Kruse	Comments that HB 3065 may be vetoed. States HB 3075 may have a better chance.
086	Pagel	Discusses a bill from a previous session that was also vetoed. Expresses concerns with the task force recommendations.
108	Becklund	Discusses the Coho Salmon endangered species listing.
158	Rep. Atkinson	<b>MOTION: Moves HB 3065 to the floor with a DO PASS recommendation.</b>
167	Rep. Merkley	Asks how many water rights have been granted by legislative action.
176	Pagel	Answers she is not aware of any.

178	Rep. Merkley	Asks, if HB 3065 passed, if it would set a precedent.
180	Pagel	Answers it would be unprecedented.
181	Rep. Merkley	Asks where the water right would stand in relation to in-stream water rights.
184	Pagel	Answers the priority date would be 1987. States she is not sure where it would stand relative to any in-stream water right on the Rogue River.
193	Rep. Gianella	Asks how many dams have been removed in Oregon.
195	Pagel	Says one, the Valsetz Dam, was removed for safety reasons.
202	Rep. Gianella	Asks if it would set a precedent for the Grants Pass community.
206	Pagel	Answers the precedent was set by the commission was cancellation of a permit.
209	Rep. Merkley	Asks if the controversy started in 1990. Asks if there have been extensions for the GPID to implement the agreed upon steps.
215	Pagel	Answers affirmatively. States history with GPID.
220	Rep. Merkley	Asks what aspects of the plan they have not implemented.
223	Pagel	Answers the commission required the GPID to "proceed with due diligence" regarding removal of the dam.
237	Rep. Merkley	Asks for further clarification.
241	Becklund	Provides overview of the history of the permit granted in 1994. States GPID met all conservation requirements of the permit. Comments that the Water Resources Commission wants the dam taken out. States there could be future litigation.
290	Rep. Taylor	Says there has not been a lot of testimony in support of the GPID bills. Comments on process in the past.
314	Becklund	States it is a controversy.
329	Pagel	States the GPID has filed suit in circuit court.
330	Chair Welsh	Comments that the issue is political.

349	Rep. Devlin	Asks if the task force reports to the Governor or legislature.
360	Page1	Says it reports to both.
365	Rep. Devlin	Asks whether the Governor or legislature has accepted the recommendations of the task force.
368	Page1	Responds no.
370	Rep. Devlin	Comments on task force recommendations.
382	Rep. Gianella	Asks where the \$250,000 will come from.
387	Becklund	Answers that it is an amount equal to the cost of electricity the GPID would use to operate electric pumps after removal of the Savage Rapids Dam. States it will be a very expensive project. Says a study will be conducted by the Bureau of Reclamation.
428	Rep. Merkley	Asks why GPID has filed lawsuits.
437	Becklund	States he disagrees with Page1. Explains the history of lawsuits.
<b>TAPE 139, A</b>		
034	Page1	Offers to provide committee information regarding lawsuits.
036	Rep. Taylor	Points out that the GPID is not serving agricultural irrigation.
047	Becklund	Responds that GPID serves various uses.
077	Rep. Kruse	States that the issue is controversial.
087		<b>VOTE: 5-4</b>  <b>AYE: 5 - Atkinson, Gianella, Kruse, Morgan, Welsh</b>  <b>NAY: 4 ñ Devlin, Kafoury, Merkley, Taylor</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>

		<b>REP. WILSON will lead discussion on the floor.</b>
<b>100</b>	<b>Rep. Atkinson</b>	<b>MOTION: Moves HB 3075 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-4</b> <b>AYE: 5 - Atkinson, Gianella, Kruse, Morgan, Welsh</b> <b>NAY: 4 ñ Devlin, Kafoury, Merkley, Taylor</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>  <b>REP. WILSON will lead discussion on the floor.</b>
<b>130</b>	<b>Chair Welsh</b>	Closes work sessions on HB 3065 and HB 3075 and adjourns committee at 5:30 p.m.

Submitted By, Reviewed By,

Danielle Hamilton Jennifer Peck,  
Administrative Support Committee Coordinator

Transcribed By,

Cara Filsinger  
Committee Staff

# **EXHIBIT SUMMARY**

A ñ HB 2681, proposed ñ1 amendments, staff, 1 p

B ñ HB 2681, proposed ñ2 amendments, staff, 1 p

C - HB 2681, written testimony, Ron Garzini, 1 p

D ñ HB 2681, written testimony, Kim Ward, 2 pp

E ñ HB 2681, written testimony, Kristi Michaelis, 1 p

F ñ HB 2681, written testimony, Ronald Reid, 1 p

G ñ HB 2176, proposed ñ1 amendments, staff, 1 p

H ñ HB 2176, written testimony, John Brenneman, 2 pp

I ñ HB 2833, proposed ñ1 amendments, staff, 8 pp

J ñ HJM 4, proposed ñ2 amendments, staff, 5 pp

K ñ HJM 4, written testimony, Martha Pagel, 5 pp

L ñ HJM 4, written testimony, Doug Myers, 1 p

M ñ HJM 4, written testimony, Glenn Spain, 1 p

N ñ HJM 13, written testimony from Jeffrey Fryer, staff, 2 pp

O ñ HJM 13, written testimony from Sierra Club, staff, 1 p

P ñ HJM 13, proposed ñ1 amendments, Glenn Spain, 2 pp

Q ñ HJM 13, written testimony, Steve Weiss, 4 pp

R ñ HJM 13, report from Institute for Fisheries Resources, Steve Weiss, 24 pp

S ñ HJM 13, written testimony, Steve Wise, 1 p

T ñ HB 3616, written testimony, Dave Barrows, 2 pp

U ñ HB 2800, proposed ñ3 amendments, staff, 1 p

V ñ HB 2625, written testimony from 1000 Friends of Oregon, staff, 1 p

W ñ HB 2625, written testimony, Ron Eber, 8 pp

X ñ HB 2181, proposed ñ1 amendments, Rep. Devlin, 9 pp

Y ñ HB 2181, written testimony, Joe Hobson, 9 pp

Z ñ HB 2768, written testimony from City of Portland, staff, 2 pp