

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 10, 1999 Hearing Room D

10:00 A.M. Tapes 198 - 200

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 3632 ñ Public Hearing and Work Session

SB 543A ñ Work Session

SB 1231B ñ Work Session

SB 543A ñ 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 198, A		
004	Chair Welsh	Calls meeting to order at 8:20 a.m. and opens a public hearing on HB 3632.

HB 3632 PUBLIC HEARING

008	Kristina McNitt	Committee Administrator. Explains HB 3632. Provides copies of letter from Governor Kitzhaber (EXHIBIT A).
020	Lyle Irons	BikePAC of Oregon. Testifies in support of HB 3632. Submits (EXHIBIT B).
030	Rep. Taylor	Asks if this is the same bill as was heard previously in the Transportation Committee.
034	Irons	Replies yes.
039	Rep. Taylor	Asks if this bill will be vetoed.
046	Irons	Answers he has no assurance that it will not be vetoed.
060	Rep. Devlin	Comments on the letter from the Governor that says he will veto the bill.
070	Irons	Comments on Governor's letter. States a representative of BikePAC will discuss the bill with the Governor.
088	Bob Avery	Testifies in support of HB 3632. Comments on fiscal impact issued on previously vetoed bill. Discusses (EXHIBIT B).
109	Rep. Morgan	Asks if Avery has talked with the Governor about the bill.
111	Avery	Answers they have asked, but have not met with him.
113	Rep. Morgan	Asks if Avery had the opportunity to meet with the Governor last session.
115	Avery	Answers representatives of BikePAC did. Discusses a study from the Oregon Health Policy Institute.
124	Rep. Kruse	Points out that there is a helmet law, but there are no standards for what constitutes a helmet.
132	Avery	Explains the helmet regulations. States there is no full-body testing on effectiveness of helmets.
146	Rep. Kruse	Comments on use of helmets.

156	Avery	States the current mandatory helmet law provides a false sense of security.
160	Chair Welsh	Asks if education and training will make the difference.
168	Avery	Replies that awareness has increased.
178	Irons	Comments that the average age for riders is 36.7.
182	Scott Lorimor	Oregon State Police. Testifies in opposition to HB 3632 (EXHIBIT C). Describes Oregon State Police internal policy regarding safety.
218	Rep. Gianella	Asks about statistics provided in Lorimor's testimony.
225	Lorimor	Answers he cannot say for sure
228	Rep. Morgan	Inquires if the number of deaths has increased since the mandatory helmet law was instituted.
231	Lorimor	Answers that the increase could be because records are better kept.
238	Rep. Morgan	Asks if there has been analysis of the data.
241	Lorimor	Answers that he cannot answer.
251	Stan Porter	Oregon Department of Transportation (ODOT). Testifies in opposition to HB 3632. Provides written testimony from Troy Costales (EXHIBITS D and E).
260	Porter	Comments on statistics in response to Rep. Morgan's earlier question.
270	Rep. Gianella	Asks how many of the deaths are from head injuries.
275	Porter	Responds they do not receive that information.
313	Rep. Devlin	Discusses his opposition to HB 3632. Provides copies of estimated fiscal impact from the Health Division (EXHIBIT F).
370	Chair Welsh	Asks what figures the fiscal is based on.
380	Rep. Devlin	Responds the projections are listed on the second page of (EXHIBIT F).

390	Chair Welsh	Comments that there are costs to the state for various kinds of accidents.
405	Rep. Kruse	Asks Rep. Devlin how many injuries would fall under the category of "severely injured."
411	Rep. Devlin	Answers he can get the information.
416	Rep. Kruse	Comments the information would be useful but it is still speculative information.
TAPE 199, A		
001	Chair Welsh	Closes public hearing on HB 3632 and opens a work session on HB 3632.
<u>HB 3632 WORK SESSION</u>		
005	Rep. Devlin	MOTION: Moves HB 3632 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.
011	Rep. Taylor	Comments she will be voting against the motion.
014	Rep. Kruse	States he will also vote against the motion.
016	Rep. Devlin	Asks for a vote for the record.
018		VOTE: 1-5 AYE: 1 ñ Devlin NAY: 5 ñ Gianella, Kruse, Morgan, Taylor, Welsh EXCUSED: 3 ñ Atkinson, Kafoury, Merkley
	Chair Welsh	The motion FAILS.
026	Chair Welsh	Requests committee to stand at ease. Reopens meeting.
032	Rep. Kruse	MOTION: Moves HB 3632 to the floor with a DO PASS recommendation.
040	Rep. Devlin	Asks that members that are not present be allowed to vote before the meeting

		adjourns.
		<p>VOTE: 5-1</p> <p>AYE: 5 ñ Atkinson, Gianella, Kruse, Morgan, Welsh</p> <p>NAY: 1 ñ Devlin</p> <p>EXCUSED: 3 ñ Kafoury, Merkley, Taylor</p> <p>(final vote reflected at Tape 200, A, 246)</p>
	Chair Welsh	<p>The motion CARRIES.</p> <p>REP. WELSH will lead discussion on the floor.</p>
050	Chair Welsh	Closes work session on HB 3632 and opens work session on SB 543A.
<u>SB 543A WORK SESSION</u>		
056	McNitt	Summarizes SB 543A. Distributes SB 543-A4 amendments (EXHIBIT G).
071	Mike Swaim	Mayor of Salem. Expresses concerns with SB 543A (EXHIBIT H). Comments on current periodic review process. Requests Goal 5 provisions be added to SB 543A.
127	Rep. Gianella	Asks where the proposed amendments would go.
130	Swaim	Responds Section 4, subsection 3.
132	Rep. Kruse	Asks about Swaimís interaction with the federal government on endangered species.
141	Swaim	Comments on sources of pollution and the effort to comply with federal requirements to comply with the Endangered Species Act.
160	Rep. Kruse	Asks what government agency the interaction is with.
170	Swaim	Discusses the groups involved in this issue.
182	Vickie Hardin	City of Salem. Says they have had interaction with the National Marine Fisheries

	Woods	Service. Asks that SB 543A be consistent with current ongoing efforts.
198	Rep. Kruse	Expresses concern that a federal agency is trying to bypass what states are already doing.
220	Woods	Responds there have been two meetings.
229	Rep. Kruse	Asks if Woods will keep the committee informed as to what is happening with the federal government.
232	Swaim	Agrees with Rep. Kruse. Comments the City of Salem has one person in the water quality area.
246	Rep. Kruse	Asks if SB 543A will address Goal 5. Comments that Department of Land Conservation and Development (DLCD) is involved with the bill.
252	Swaim	Answers that future legislators may interpret the language differently.
264	Rep. Morgan	Comments the compliance issues are with the Clean Water Act.
282	Swaim	Agrees with Rep. Morgan's statement. Comments that it is a function of water quality. Comments on wetlands and watersheds.
303	Rep. Morgan	Asks about sewage treatment plants. Asks if there is a component in the City of Salem comprehensive plan for surface water runoff.
312	Swaim	Answers yes. Discusses planning for alternative methods to address runoff. Comments that Goal 5 includes a definition of "open space."
331	Woods	Responds that City of Salem is just finishing the draft of storm water master plan.
342	Chair Welsh	Closes work session on SB 543A and opens work session on SB 1231B.
<u>SB 1231B WORK SESSION</u>		
353	Sen. Ted Ferrioli	Senate District 28. Testifies in support of SB 1231B. Describes the problems the bill is addressing.
397	Glen Stonebrink	Oregon Cattlemen's Association. Testifies in support of SB 1231B. Comments on the amendment process in the Senate.

405	Rep. Taylor	Comments on an incident in Colorado.
419	Rep. Atkinson	Asks who was the subject of a letter from Sen. Ferrioli.
TAPE 198, B		
009	Sen. Ferrioli	Replies Pete French.
018	Rep. Atkinson	Points out historical factors.
024	Sen. Ferrioli	Asks the committee to support the bill.
036	Chair Welsh	MOTION: Moves SB 1231B to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 ñ Kafoury, Merkley (final vote reflected at Tape 200, A, 250)
	Chair Welsh	The motion CARRIES. REP. ATKINSON will lead discussion on the floor.
045	Chair Welsh	Closes work session on SB 1231B and opens public hearing on SB 543A.
<u>SB 543A PUBLIC HEARING</u>		
058	Dick Benner	Director, DLCD. Comments he is available for questions about SB 543A. Addresses concerns raised by City of Salem. Comments the support for cities will come from the salmon plan funding. Discusses Goal 5 as it relates to endangered species.
097	Rep. Kruse	Comments on compliance with clean water requirements.
118	Benner	Comments on role of DLCD. States that urban runoff is not well addressed. Comments he does not see how land use regulations are the best tools to address non-point pollution.

139	Rep. Kruse	Comments that land use decisions may have environmental impact.
151	Benner	Answers that may be true. Responds the mechanisms are already in place.
164	Rep. Devlin	Asks how broadly terms are described in state law. Asks if parks are included in the definition of "public facilities and services."
174	Benner	Answers that the definitions tend to be consistent with one another but not always. Comments Goal 11 has a definition as well.
186	Rep. Devlin	Asks if DLCD has any concern about eliminating periodic review for small jurisdictions.
191	Benner	Answers they have some concerns. Describes periodic review in smaller communities. Comments on plan review by DLCD.
228	Rep. Devlin	Asks if Benner approves of the SB 543ñA4 amendments.
236	Benner	States DLCD supports the bill and amendments. Comments DLCD does not support the amendment from City of Salem.
242	Rep. Gianella	Asks why DLCD opposes the City of Salem amendments.
246	Benner	Explains the purpose of periodic review. Comments grant dollars will not disappear if Goal 5 is not included in SB 543A.
257	Jon Chandler	Oregon Building Industry Association (OBIA). Testifies in support of SB 543A and SB 543-A4 amendments. Provides background on bill.
289	Burton Weast	Special Districts Association of Oregon. Testifies in support of SB 543A. Discusses some of the problems with periodic review process.
340	Weast	Describes personal experiences with periodic review. Comments nearly half of jurisdictions are currently involved with periodic review. Comments that parks are part of the periodic review process. States he opposes the City of Salem proposed amendments.
368	Rep. Taylor	Asks why Weast opposes the amendments proposed by City of Salem.
378	Weast	Answers it is already covered by periodic review.
391	Chandler	Asks if the committee would like a review of the bill and amendments.

398	Chair Welsh	Answers yes and requests a review of the amendments.
401	Chandler	Discusses the purpose of the SB 543 amendments. Outlines previously raised concerns and how the amendments address them.
TAPE 199, B		
033	Rep. Taylor	Asks for a "big picture" review of SB 543A.
040	Chandler	Explains the process that produced SB 543A.
057	Rep. Taylor	Asks why SB 543A is necessary.
064	Chandler	Comments periodic review allows citizens input. SB 543A exempts small jurisdiction from review, but does not exempt them from land use laws.
120	Chandler	Comments that DLCD is shorthanded. States SB 543A will reduce DLCD workload and that DLCD will focus on other areas.
143	Rep. Devlin	Asks under what circumstances DLCD would review jurisdictions for compliance with goals.
160	Chandler	Says SB 543A does not change the obligation to report to DLCD about plan changes. Comments on affected jurisdictions.
200	Mike Collmeyer	1000 Friends of Oregon. Testifies in opposition to SB 543A (EXHIBIT I). Summarizes written testimony.
236	Rep. Merkley	Asks about deleted language on page 3, lines 6 through 9. Asks how periodic review would occur.
242	Collmeyer	Responds on a five to fifteen year window.
246	Rep. Merkley	Asks who decides when it will occur.
249	Collmeyer	Answers it is at the discretion of the local governing body, but DLCD could influence the timing.
252	Rep. Merkley	Asks for clarification on statements made in EXHIBIT I .
264	Collmeyer	Clarifies statements in written testimony. Outlines current statutory purpose of periodic review. Comments on exceptions provided by amendments.

310	Rep. Merkley	Asks how SB 543A addresses regional problem solving.
320	Collmeyer	Replies it was contained in Section 14 of the SB 543-2 amendments that were adopted in the A-engrossed bill.
347	Rep. Merkley	Asks if it is removed by repealing certain sections of Oregon Laws.
349	Collmeyer	Answers yes.
354	Rep. Devlin	Asks Benner if SB 543A allows DLCDC to more effectively focus on its mission.
375	Benner	Answers yes. Comments on the effect of periodic review on DLCDC. Gives example of airport planning.
TAPE 200, A		
009	Benner	Comments that attention has been diverted to other issues. States SB 543A allows a community to focus on the most important issues. Asserts DLCDC will focus on certain local governments outside of the periodic review process.
029	Rep. Merkley	Asks if the content of periodic review for larger cities and counties is altered.
034	Benner	Points out language in SB 543A, page 2, lines 17 ñ 20. States the language was chosen not to exclude other subjects.
052	Rep. Merkley	Points out that the other language is not removed.
055	Benner	Answers that is correct.
057	Rep. Merkley	Comments that DLCDC assistance is narrowed.
060	Benner	Answers that is correct and provides an example. Comments that current requirements are not removed.
076	Rep. Merkley	Asks if the fast growing cities in Morrow County would be exempt.
080	Benner	States it depends on the size of the city. Explains the exemptions provided by SB 543A.
099	Rep. Devlin	Comments that Gilliam County also has fast growing cities.

108	Benner	States that is why a population growth is not a good indicator for growth.
113	Rep. Gianella	Asks if under SB 543A Aurora would lose any grant money.
120	Benner	Responds that if Aurora were currently in periodic review, it would be eligible for a grant for each year it continued periodic review. States SB 543 allows communities to remain under periodic review if they request it.
132	Art Schlack	Association of Oregon Counties. Testifies in support of SB 543 if amended by the SB 543-A4 amendments. Discusses work group that developed proposed amendments.
180	Schlack	Discusses problems with using population growth rates. Comments on planning grants to local governments.
200	Chair Welsh	(by implied consent, closes public hearing on SB 543A and opens a work session on SB 543A)
<u>SB 543A WORK SESSION</u>		
220	Rep. Kruse	MOTION: Moves to ADOPT SB 543-A4 amendments dated 6/10/99.
		VOTE: 9-0
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
230	Rep. Kruse	MOTION: Moves SB 543A to the floor with a DO PASS AS AMENDED recommendation.
235	Rep. Taylor	Expresses gratitude for allowing her questions.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Welsh	The motion CARRIES. REP. KRUSE will lead discussion on the floor.

240	Chair Welsh	Closes work session on SB 543A.
246	Rep. Welsh	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KAFOURY, REP. TAYLOR, and REP. MERKLEY to vote on HB 3632.
		VOTE: 9-0
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
	Rep. Merkley	Votes AYE.
	Rep. Kafoury	Votes AYE.
	Rep. Taylor	Votes NAY.
		Note: Final vote for HB 3632: 7 ñ 2 ñ 0
250	Rep. Welsh	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KAFOURY and REP. MERKLEY to vote on SB 1231B.
		VOTE: 9-0
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
	Rep. Merkley	Votes AYE.
	Rep. Kafoury	Votes AYE.
		Note: Final vote for SB 1231B: 9 ñ 0
260	Chair Welsh	Adjourns meeting at 10:30 a.m.

Submitted By, Reviewed By,

Danielle Hamilton, Jennifer Peck,
Administrative Support Committee Coordinator

Transcribed By,

Cara Filsinger
Committee Staff

EXHIBIT SUMMARY

A ñ HB 3632, written testimony from Governor John Kitzhaber, staff, 1 p

B ñ HB 3632, written testimony from Brian Stovall, Lyle Irons, 4 pp

C ñ HB 3632, written testimony, Scott Lorimor, 3 pp

D ñ HB 3632, written testimony from Troy Costales, Stan Porter, 5 pp

E ñ HB 3632, pamphlet, Stan Porter, 1 p

F ñ HB 3632, written testimony, Rep. Devlin, 2 pp

G ñ SB 543A, proposed ñA4 amendments, staff 4 pp

H ñ SB 543A, written testimony, Mike Swaim, 1 p

I ñ SB 543A, written testimony, Michael Collmeyer, 1 p