

## HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 15, 1999 Hearing Room C

8:00 A.M. Tapes 205 - 206

**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:** Harrison Conley, Administrator

Cara Filsinger, Administrator

Danielle Hamilton, Administrative Support

**MEASURES HEARD:** SB 965 Public Hearing and Work Session

SJM 13 Public Hearing and Work Session

SB 989 Public Hearing and Work Session

SB 461 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 205, A		
005	Chair Welsh	Calls meeting to order at 8:15 a.m. Opens a public hearing on SB 965. Amendments were presented to the committee <b>(EXHIBIT A)</b> .

**SB 965 PUBLIC HEARING**

018	Sen. Eugene Timms	Senate District 30. Testifies in support of SB 965. Discusses provisions of the measure. Describes "Frontier Counties" and the tax-exempt status for health districts in those counties.
058	Dave Harman	Administrator, Harney District Hospital. Testifies in support of SB 965 <b>(EXHIBIT B)</b> . Discusses the difficulty of recruitment and retention of health care professionals in rural districts. Describes the improvements to the rural medical community in Harney County. Explains the property tax situation for medical buildings. States that the legislation will apply to health districts in Frontier Counties.
131	Ed Patterson	Oregon Association of Hospitals and Health Systems. Testifies in support of SB 965. Indicates that the bill will clarify current law. Expresses opposition to the final amendments.
167	Rep. Taylor	Asks if physicians are currently leasing property from health districts.
172	Patterson	Answers affirmatively.
173	Rep. Taylor	Asks if consideration was given to the fact that leasing would require physicians to pay property taxes.
176	Patterson	Explains that the attorney suggested that taxes would be a related business cost.
180	Rep. Taylor	Discusses a situation in Astoria where a physician has built a new facility with his own loans and now wants to have property tax exemption under an enterprise zone.
198	Sen. Timms	Clarifies that the bill applies to buildings that were built by health districts.
218	Patterson	Indicates that the health district is already supported by property taxes.
233	Chair Welsh	Closes the public hearing on SB 965 and opens a public hearing on SJM 13.

**SJM 13 PUBLIC HEARING**

249	Sen. Mae Yih	Senate District 19. Testifies in support of SJM 13. Discusses provisions of the memorial. Describes a goose depredation program and the destruction caused by migrating geese <b>(EXHIBIT C)</b> .
276	Rep. Atkinson	Asks where in Canada the geese are coming from.

283	Pete Test	Representative, Oregon Farm Bureau. Describes the seven species of geese that winter in the Willamette Valley. Indicates that because of practices in Alaska, all of the geese in Oregon are protected.
314	Rep. Atkinson	Discusses disease and decline of ducks in Canada and comments on the changes in the migration pattern of the geese.
334	Rep. Kruse	Asks how large the non-migratory population of geese is.
340	Test	States that he is not sure, but that the population has grown dramatically in recent years.
342	Rep. Kruse	Understands that a number of factors effect the population. Indicates that the problem is not limited to the Willamette Valley and that he has heard of similar problems in southern Oregon.
365	Test	Suggests that southern Oregon has a greater opportunity for hunting.
376	Rep. Taylor	Discusses the experiences of a farmer in her district. Indicates that hunters are challenged in identifying threatened species from others.
397	Test	Explains that the Oregon Farm Bureau has worked with hunting organizations to improve hunting opportunities in the field. Discusses water quality issues and provides statistics about goose "deposits" on fields.
420	Chair Welsh	Indicates that he has been working for change in his district related to hunting geese. Suggests that hunters won't be a part of the solution if they are harassed when they kill a goose.
<b>TAPE 206, A</b>		
023	Test	Agrees with Chair Welsh's comments. Discusses the purpose of the measure. Indicates that the federal government has a policy to not pay for wildlife damage. Suggests that farmers will contract feed the geese.
034	Rep. Gianella	Agrees that this issue is a problem in her district.
046	Chair Welsh	Closes the public hearing and opens a work session on SJM 13.
<b><u>SJM 13 WORK SESSION</u></b>		
<b>050</b>	<b>Rep. ATKINSON:</b>	<b>MOTION: Moves SJR 13 be sent to the floor with a BE ADOPTED recommendation.</b>

		<p><b>VOTE: 8-0</b></p> <p><b>AYE: 8 - Atkinson, Kruse, Devlin, Gianella, Kafoury, Merkley, Taylor, Welsh</b></p> <p><b>EXCUSED: 1 - Morgan</b></p> <p><b>See Tape 206, B @ 400 for Rep. Kafoury's final vote on SJR 13.</b></p>
065	Chair Welsh	<p><b>The motion CARRIES.</b></p> <p><b>REP. ATKINSON will lead discussion on the floor.</b></p>
067	Chair Welsh	Closes work session on SJM 13 and opens a public hearing on SB 965.
<b><u>SB 965 PUBLIC HEARING</u></b>		
075	Bob Cantine	Association of Oregon Counties. Testifies in support the ñ1 amendments to SB 965. Explains that they were requested by the Association of Oregon Counties to address the issue of tax exemptions.
118	Chair Welsh	Explains that the health district is paid for by property taxes.
120	Cantine	Confirms that the district is supported by levied property taxes.
123	Rep. Gianella	Asks if the doctor will be taxed and not the county.
125	Cantine	Indicates that the tax lien will eventually return to the health district.
132	Chair Welsh	Closes public hearing on SB 965 and opens a public hearing on SB 989.
<b><u>SB 989 PUBLIC HEARING</u></b>		
150	Glen Stonebrink	Oregon Cattlemenís Association. Testifies in support of SB 989 ( <b>EXHIBITS D and E</b> ). Discusses provisions of the measure.
214	Rep. Taylor	Expresses concerns with SB 989. Discusses a repeal of aid for navigation.
228	Stonebrink	Explains that some areas don't have the same concern as her district and people want to purchase that land. Discusses the issue of the federal government purchasing land that is in a navigable stream. The legislature must agree to the purchase.
254	Rep. Taylor	Indicates that the legislature meets every two years and there could be a need

		outside of the time that session meets. Wonders about channel deepening.
267	Stonebrink	States that deepening a channel does not require ownership of the channel.
274	Rep. Devlin	Asks if the bill addresses situations where the state owns land that they want to convey to the federal government.
277	Stonebrink	Indicates that the measure addresses any federal purchase of land within the state.
283	Rep. Devlin	Asks if the state would currently need to consent sale of property to the federal government even if they don't own it.
288	Stonebrink	Explains that the measure allows purchase without the consent of the legislature.
293	Rep. Devlin	Asks if counties would need to consent instead of the legislature.
296	Stonebrink	Indicates that currently, counties must consent to some sales.
302	Rep. Atkinson	Asks what percent of Oregon is federally owned.
308	Stonebrink	Indicates that 52% of Oregon is federally owned.
313	Rep. Atkinson	Asks if the 52% is mostly east or west of the Cascades.
315	Stonebrink	Indicates that the majority of federally owned lands are east of the Cascades. Explains that some counties are 80-90% owned by the federal government.
318	Rep. Atkinson	Discusses the amount of federally owned land in the western United States.
324	Stonebrink	Agrees that a large percentage of the western U.S. is federally owned.
329	Rep. Atkinson	Explains that this is a public lands issue that has been discussed in many rural states.
369	Stonebrink	Indicates that the cattle industry is in dire straits and ranchers are selling property and herds to get money, however there has been concern about animals grazing on federal property. Explains that endangered species are also affecting grazing of animals. Indicates that ranchers are in a catch 22 where they cannot graze animals on federal land, but they also cannot use their own land for anything more than ranching because of land use laws.

398	Rep. Gianella	Asks what is happening in the Snake River area.
402	Stonebrink	Explains that there are a number of issues affecting the Snake River, including dams and experimental populations of animals.
406	Rep. Gianella	Asks about the taking of land in the Snake River area.
410	Stonebrink	Indicates that part of the measure is related to taking of lands. Explains that there is a move to create a national monument in the Owyhee River Valley that would include taking of private land. Indicates that property owners in the Hells Canyon recreation area are also very limited in what they may do on their property.
<b>TAPE 205, B</b>		
022	Rep. Taylor	Wonders if the previous measure would allow for the purchase of land for wildlife refuges. Suggests that SB 989 could put up barriers to purchasing land for the benefit of the community.
046	Stonebrink	Clarifies the goals of SB 989. Explains, at the county level, citizens could decide where federal land could be purchased for certain purposes.
061	Bob Cantine	Representative, Association of Oregon Counties. Testifies in support of SB 989. Explains that counties are trying to address the continuing expansion of public lands at the federal level. Understands that some federal agencies are moving in different directions than local counties and agrees that the legislature could take a stand in the expansion of public lands.
110	Rep. Morgan	Comments that SB 989 addresses a very important issue on the county level. States that decisions related to federally owned lands have profound social and economic impacts on the local communities. Agrees that the state must take more control of the lands.
135	Rep. Atkinson	Agrees that rural counties must address the issue of taxation, who owns land, and dwindling tax bases. Indicates that states cannot tax the federal government. Suggests that the issue is immense, but the measure is just the beginning of getting it back under control.
160	Chair Welsh	Agrees that this measure is a significant local and state's rights bill.
166	Jennifer Robison	Representative, Division of State Lands (DSL). Addresses Rep. Taylor's question regarding aids of navigation.
196	Rep. Kruse	Indicates that SB 989 is related to acquired titles of land and wonders how the measure addresses navigable waterways.

200	Robison	Agrees that the issues are separate, but doesn't know how the federal government will interpret the issues. Addresses the issue of Hells Canyon and explains that it is related to grazing lots that were historically grazed, but are not now.
211	Rep. Gianella	Asks if the grazing land is closed to the public.
215	Robison	Indicates that the land is open to the public for recreation.
218	Rep. Gianella	Asks if there is a proposal to close the grounds to the public.
220	Robison	States that she is not aware of any attempt to close them.
224	Rep. Taylor	Asks for clarification on related statute.
234	Harrison Conley	Committee Administrator. Clarifies that the repealed statute includes requirements that counties must consent to any additions to national forests, however the requirements will be replaced with new language in the measure.
244	Chair Welsh	Closes the public hearing and opens a work session on SB 989.
<b><u>SB 989 WORK SESSION</u></b>		
<b>252</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves SB 989 to the floor with a DO PASS recommendation.</b>
259	Rep. Devlin	Expresses his opposition to SB 989. Explains that the bill has been characterized as a states' rights issue, but it goes deeper than that.
272	Rep. Kruse	Explains that the federal government may acquire additional land without input from anyone, and that is inappropriate.
292	Rep. Atkinson	States that SB 989 is a fundamental states' rights issue.
309	Rep. Taylor	Discusses a conference in Idaho, where ranching and nature conservancy peacefully coexist. Expresses opposition to the measure.
326	Rep. Gianella	Expresses her excitement for SB 989.
335	Rep. Morgan	Agrees with comments from Rep. Atkinson. Discusses the impact of environmental issues. Suggests that this is a control issue.
357	Chair Welsh	Expresses his support for SB 989.

386	Rep. Merkley	Clarifies that SB 989 takes away the rights of private property owners to sell their land to the highest bidder. Expresses opposition to the measure.
		<b>VOTE: 5-4</b>  <b>AYE: 5 - Atkinson, Kruse, Gianella, Morgan, Welsh</b>  <b>NAY: 4 - Devlin, Kafoury, Merkley, Taylor</b>  <b>See Tape 206, B @ 400 for Rep. Kafoury's final vote on SB 989.</b>
426	Chair Welsh	<b>The motion CARRIES.</b>  <b>REP. KRUSE AND REP. ATKINSON will lead discussion on the floor.</b>
429	Chair Welsh	Closes the work session on SB 989 and opens a work session on SB 965.
<b><u>SB 965 WORK SESSION</u></b>		
<b>TAPE 206, B</b>		
020	Rep. Kruse	<b>MOTION: Moves SB 965 to the floor with a DO PASS recommendation.</b>
022	Rep. Taylor	Explains that the committee just passed legislation that stressed the importance of county decisions, however the committee won't consider county input on this measure. Questions the consistency.
027	Chair Welsh	Clarifies the affects of SB 965.
038	Rep. Morgan	Asks if counties testified on the measure.
043	Chair Welsh	Answers affirmatively.
		<b>VOTE: 9-0</b>  <b>AYE: 9 - Atkinson, Devlin, Gianella, Kafoury, Kruse, Merkley, Morgan, Taylor, Welsh</b>
057	Chair Welsh	<b>The motion CARRIES.</b>  <b>REP. DEVLIN will lead discussion on the floor.</b>
060	Chair Welsh	Closes the work session on SB 965 and opens a public hearing on SB 461.



**SB 461 A PUBLIC HEARING**

064	Dave Hunnicutt	Amendments were presented to the committee ( <b>EXHIBIT F</b> ). Oregonians in Action (OIA). Testifies in support of SB 461 ( <b>EXHIBIT G</b> ). Discusses provisions of the measure including ripeness as it relates to takings issues. Suggests that takings laws are not clear. Indicates that if a government takes the value of a property, they must compensate the owner for the fair market value of that property. Continues to discuss issues related to takings and ripeness.
156	Rep. Kruse	Asks if the 240 day limit is arbitrary. Suggests that the amount of time is unreasonable to a land owner.
168	Hunnicutt	Agrees that it is a long period of time, however there are tradeoffs.
171	Chair Welsh	Indicates that the committee has copies of the -A4 amendments.
177	Hunnicutt	Clarifies that the -A4 amendments resolve conflicts with a Senate Bill.
180	Chair Welsh	Asks if the Governor's office supports the measure.
183	Hunnicutt	Explains that the Governor's Office and the Attorney General are in support of the measure.
189	Rep. Devlin	Confirms that the measure applies to permitted and conditional uses in a zone.
197	Hunnicutt	Clarifies that the measure allows a person to submit only one permit to be denied rather than 27 different applications for each permitted use in a zone.
206	Rep. Devlin	Confirms that the measure does not address changes to land use zones.
210	Hunnicutt	Clarifies that it could.
213	Rep. Devlin	Confirms that the measure applies only to land use applications.
216	Hunnicutt	Explains that anything that would be a condition of approval on an application would apply to the measure.
231	Rep. Devlin	Confirms that someone making this broad application would be a person who had previously been denied.
238	Hunnicutt	Agrees that is the case.

243	Rep. Kafoury	Confirms that if a person is applying, they must outline what they are applying for.
253	Hunnicut	Answers affirmatively.
255	Rep. Kafoury	Asks if the land owner could apply for everything and the local government could decide the use.
260	Hunnicut	Indicates that the land owner must bear the burden of deciding the land use and proving they meet the requirements of that use.
266	Charlie Swindells	Representative, 1000 Friends of Oregon. States neutrality on the bill. Agrees that there is concern for the 240 day time frame. Continues to discuss issues in the measure.
348	Chair Welsh	Closes the public hearing and opens a work session on SB 461.
<b><u>SB 461 WORK SESSION</u></b>		
363	Rep. Kruse	<b>MOTION: Moves to ADOPT SB 461-A4 amendments dated 6/7/99.</b>
370	Chair Welsh	<b>Hearing no objections, declares the motion CARRIED.</b>
373	Rep. Kruse	<b>MOTION: Moves SB 461 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 9-0</b>  <b>AYE: 9 - Atkinson, Devlin, Kruse, Kafoury, Kruse, Merkley, Morgan, Taylor, Welsh</b>
389	Chair Welsh	<b>The motion CARRIES.</b>  <b>REP. WELSH AND REP. MORGAN will lead discussion on the floor.</b>
393	Chair Welsh	Closes the work session on SB 461.
397	Rep. Kafoury	Asks that she be allowed to vote on SJM 13 and SB 989.
400	Chair Welsh	<b>Allows Rep. Kafoury to vote AYE on SJM 13 and NAY on SB 989.</b>
415	Chair Welsh	Adjourns the meeting.

Submitted By, Reviewed By,

Marjorie Taylor, Jennifer Peck,

Committee Administrator Committee Coordinator

**EXHIBIT SUMMARY**

**A - SB 965, -1 amendment, Staff, 1 pg.**

**B - SB 965, Written testimony, David Harman, 2 pp.**

**C - SJM 13, Written testimony, Sen. Yih, 1 pg.**

**D - SB 989, Written testimony, Glen Stonebrink, 2 pp.**

**E - SB 989, Written materials, Glen Stonebrink, 1 pg.**

**F - SB 461, -A4 amendment, Staff, 1 pg.**

**G - SB 461, Written testimony, Dave Hunnicutt, 3 pp.**