

HOUSE COMMITTEE ON  
NATURAL RESOURCES

Hearing Room  
Tapes - 76

MEMBERS PRESENT:

Rep. Veral Tarno, Chair  
Rep. Terry Thompson, Vice-Chair  
Rep. Tony Corcoran  
Rep. Bill Fisher  
Rep. Leslie Lewis  
Rep. Dennis Luke  
Rep. Lisa Naito  
Rep. Chuck Norris  
Rep. Judy Uherbelau  
Rep. Larry Wells  
Rep. Jim Welsh

MEMBER EXCUSED:

Rep. Tim Josi

STAFF PRESENT:

Mark Bauer, Committee Administrator  
Sandy Ceballos, Committee Assistant

MEASURES HEARD:

SB 568 Work Session  
SB 600 Public Hearing  
SB 160 Public Hearing & Work Session  
SB 830 Public Hearing  
SB 285 Public Hearing & Work Session  
SB 286 Public Hearing  
SB 1049 Public Hearing & Work Session  
SB 829 Public Hearing & Work Session

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,  
please refer to the tapes.

TAPE , SIDE A

009 CHAIR TARNO: Opens the meeting at 1:47 PM.

013 Opens the PUBLIC HEARING on SB 600.

Witnesses: Senator Rod Johnson, Oregon State Senate, District 23  
Bob Ramig, Mayor, Pendleton, Oregon  
Pete Wells, City Attorney, Pendleton, Oregon  
Marion Millard  
Henry Kane  
Harold Haynes, Land Use Chair, League of Women Voters of Oregon  
Wayne Geisy  
Kelly Ross, Oregon Assn. of Realtors  
Jon Chandler, Chief Counsel, Homebuilders Assn. of Metropolitan  
Phillip Johnson, Oregon Shores Conservation Coalition  
Sally Cross, Oregon Natural Resource Council  
Mitch ROHSE, Department of Land Conservation and Development  
Charles Swindells, Staff Attorney, 1000 Friends of Oregon  
Dan Schellenberg, Associate Director of Governmental Affairs, Oregon

Bureau

James R. Miller  
Jeff Lewis  
Larry Moyer

019 SEN. ROD JOHNSON, OREGON STATE SENATOR, DISTRICT 23: Testifies in  
support of SB 600 (EXHIBIT B). Introduces the SB 600-A4 amendments (   
EXHIBIT A).

069 -Continues to give an overview of the provisions of SB 600.

119 -Talks about thresholds.

169 -If it is a state mandated ecotake. City or county would ask LCDC do we

have to do this. Get a written statement, and then draft the ecotake.  
Would have to give notice before the ecotake is adopted and hold a public  
hearing.

219 -Talks about "last best offer" arbitration system.

269 -Reads from poll taken (EXHIBIT B).

317 -Males statement that with centralized governments the environment is  
the first thing to go.

355 REP. NORRIS: Cities and local governments had asked him what

inhibitions this may place on their normal zoning activities, and approval of subdivisions impact this would have on their planning.

369 SEN. JOHNSON: If it's on the books now, it's not affected by this bill, if it has to be adopted in the future, it is affected by this bill.

387 REP. NORRIS: Asks about the language on page 2, line 24 dealing with open spaces.

393 SEN. JOHNSON: Responds to REP. NORRIS' question.

420 REP. NAITO: States that we are in a representative democracy and asks that he not compare it to a totalitarian regime.

452 SEN. JOHNSON: Explains that one of the witnesses in his committee suggested that because they're representing the people if they want to take his property they just do it, and if we go to that type of government we're doomed to fail.

TAPE 71, SIDE A

026 REP. NAITO: Our Constitution does prohibit takings.

036 REP. UHERBELAU: Questions how this bill would apply to present enactment's.

057 REP. UHERBELAU: States the purpose of the bill seems to be when the government comes in and takes the land or does something that lowers the value of the property the government should pay for that, but when government does things that enhance the value why doesn't the bill include that the individual whose property was enhanced should pay the difference.

063 SEN. JOHNSON: There's no flip-side to a restriction for ecological resources.

091 REP. FISHER: Do the tax credits follow the owners or the property?

100 SEN. JOHNSON: Tax credits follow the property owner; can transfer the tax credit to someone else. Credits aren't good for three years.

156 REP. CORCORAN: Asks about the type of taxes this affects.

160 SEN. JOHNSON: They're income taxes.

162 REP. CORCORAN: Who's going to make up this revenue.

183 SEN. JOHNSON: This bill doesn't give people anything, it compensates for their loss. The only way we're getting that money now, technically, is by not paying it to the people we're stealing from.

187 REP. CORCORAN: Doesn't know about the Senate but we're not stealing anything here in the House. Asks SEN. JOHNSON to explain the statement "when we steal".

192 SEN. JOHNSON: The government, the State of Oregon, the counties and cities, that are imposing state mandate echotakes. It's happening now. There's two and a half days of testimony from our committee meeting in January. The bill doesn't give people anything, only repays them for part of what has been taken from them.

206 REP. CORCORAN: Asks about current existing rules.

213 SEN. JOHNSON: Bases on current existing ordinances or rules.

214 REP. CORCORAN: Or court action taken on the basis of those current existing rules.

215 SEN. JOHNSON: It's usually a land use decision that applies.

227 REP. CORCORAN: So the Division of State Lands might not say you can't build here because of the wetlands, they'd say you have to mitigate for that. Correct?

232 -Do you think that environmental concerns are part of our economic system now.

239 SEN. JOHNSON: Responds that an economy based on environmental system rather than economics bound to fail.

248 REP. CORCORAN: What I asked was that if you thought that the environment is part of our economic system.

250 SEN. JOHNSON: An environment is part of things just like everything else is.

253 REP. FISHER: Is there a possibility that a city or county makes a rule, they wind up and pay out of their budget, it wouldn't come out of the general fund.

262 REP. JOHNSON: If it's taken by the city or the counties they have to pay for it. They cannot rely on the general fund.

274 REP. WELLS: Noticed SB 100 in the packet. Wonders how he says this bill is not about land use, but uses SB 100 statute statement.

280 SEN. JOHNSON: Included in the packet as historical reference.

295 REP. UHERBELAU: If you're relying on the statement from SB 100, why are you ignoring land use.

311 REP. LEWIS: Seems to be a mistaken impression that in land use planning we don't have to deal with all the goals. In fact we do deal with all the goals.

323 SEN. JOHNSON: Explains the SB 600-A4 amendments.

373 -Continues to explain the dash four amendments.

397 CHAIR TARNO: States he doesn't know if the committee will be able to complete the bill this evening. Will he be in the capital for some time still.

402 SEN. JOHNSON: Supposed to catch a plane for Salt Lake City in an hour.

405 REP. CORCORAN: Current statute, current law, and the court actions stemming from current law and regulation do not apply to SB 600, ?

390 SEN. JOHNSON: That's right.

428 REP. CORCORAN: There's going to be some changes in the usage of the Columbia river. If there are changes in the value of peoples property would this bill affect peoples property.

430 SEN. JOHNSON: Answers questions regarding draw downs. The bill only talks about habitats on land.

465 REP. CORCORAN: So even if it was new law, because the topic area is covered in existing law, SB 600 wouldn't apply?

469 SEN. JOHNSON: The reason it doesn't apply isn't because the topic area is in existing law, it's because it's exempted because it's not included in the definition of echo-resource.

480 REP. CORCORAN: In our other Natural Resources Subcommittee, in discussions about water resources, we received a lot of information from geologists and hydrologists that we in fact have an extremely poor data base of information about ground water.

TAPE 71, SIDE B

028 -If because of the assessment that is done on ground water, we have to come up with new provisions to protect ground water resources or to protect existing users of ground water, and that in fact has an impact on the value of somebody's land, would that or would that not apply under SB 600?-

033 SEN. JOHNSON: You're telling someone they can't use their water?

034 REP. CORCORAN: You're telling someone they can't drill a well on their property.

036 SEN. JOHNSON: Are you doing it to protect water from pollution?

037 REP. CORCORAN: You're doing it because there's a critical water shortage.

040 SEN. JOHNSON: It would depend on whether you're doing it for water pollution, it would be exempt under Goal 6. There's a need on each enactment to see if this bill fits it.

066 REP. THOMPSON: Asks if an ocean resource is covered in this bill.

072 SEN. JOHNSON: If there's a new restriction on the land, that would be an ecotake.

080 REP THOMPSON: I have my part of the echo system that's interrelated with the forest part of the echo system, and it looks like you're taking away from my part of the echo system to give to your part.

090 SEN. JOHNSON: What part of your land is affected by that fish?

089 REP. THOMPSON: If you harvest that fish and destroy the stream bed, or destroy that resource, consequently I'm put out of business.

092 SEN. JOHNSON: The Oregon Forest Practices Act regarding riparian areas are very strict, the best in the country, will protect your resource.

100 CHAIR TARNO: An ecoresource as referred to in Section 2 of the bill, provides for areas of that type. Does that provide for habitat protection in the tributaries of our state?

102 SEN. JOHNSON: An ecoresource would include habitats on land,

111 CHAIR TARNO: Would that also include those streams or tributaries that is habitat for fish.

111 SEN. JOHNSON: No. Because it's not on land.

113 CHAIR TARNO: How about the land that is adjacent to those tributaries.

114 SEN. JOHNSON: There's already riparian areas that protect the stream.

118 REP. UHERBELAU: Asks question about language on line 4, page 2. Thinks it's the way they write legislation that costs attorney's fees. What is natural area? It's not defined. States the terms are very vague.

133 SEN. JOHNSON: You have to be able to read the words and know what they mean.

143 REP. LUKE: Wants to remind the Representative that attorney's write these bills.

149 SEN. JOHNSON: You have some choices. You can either do nothing, like the 1981 legislature did, and people will keep having their property taken from them, or we can do like the state of Washington did and say if anybody takes your property you get paid.

172 CHAIR TARNO: Announces that SB 279 , SB 1139, and HB 3458 will not be heard this evening.

180 -Asks the people who wish to testify on SB 600 and have already testified in the Senate hearings hold their testimony to 3 minutes.

199 BOB RAMIG, MAYOR, PENDLETON, OREGON: Testifies in opposition to SB 600.)

244 PETE WELLS, CITY ATTORNEY, PENDLETON, OREGON: Testifies in opposition to SB 600 (EXHIBIT C).

314 REP. LUKE: Asks about city condemnation for parks.

318 WELLS: Responds to REP. LUKE'S question.

335 REP. NORRIS: Knew one of his concerns was any impact this might have was on your existing subdivision, with respect to park contributions and that sort of thing. Is quite sure their ordinance, in this regard, far pre-dates April 1, 1995.

341 WELLS: Concerned about what would happen if the changed an existing ordinance.

333 REP. FISHER: Property would not be taxed if there were an improvement.

349 REP. FISHER: States that the property value increase that might be caused by some type of government action would not be taxed, the property owner would pay considerably more while it would reduce the rest of the taxpayers.

358 WELLS: That is true, it changes the distribution of taxes among taxpayers.

380 MARION MILLARD: Testifies in opposition to SB 600 (EXHIBIT D).

444 REP. CORCORAN: Thanks Mrs. Millard for her excellent testimony, thinks she said in three quarters of a page volumes about this bill.

435 HENRY KANE: Testifies in support of SB 600 (EXHIBIT E).

TAPE 71, SIDE B

083 HAROLD HAYNES, LAND USE CHAIR, LEAGUE OF WOMEN VOTERS OF OREGON: Testifies in opposition to SB 600 (EXHIBIT F).

138 WAYNE GIESY: Testifies in support of SB 600.

187 KELLY ROSS, OREGON ASSN. OF REALTORS: Testifies in support of SB 600, (EXHIBIT G).

229 REP. UHERBELAU: You talk about just compensation is already established in our Constitution, you say the only requirements are how it should be implemented. Isn't it true that we over 200 years of case law and 100 years case law in Oregon telling us how that should be implemented.

236 ROSS: That case applies much more broadly than SB 600.

243 REP. UHERBELAU: Asks if he doesn't think SB 600 will be in the courts for a substantial length of time trying to figure out how it works.

251 ROSS: Could be a period of shaking out to try and interpret the finer points, but thinks in long term it will be a reduction in time and expense.

256 REP. NORRIS: Knows from personal experience the Oregon Association of Realtors is dedicated to livability and affordability of housing and living conditions. Asks if he believes SB 600 would contribute to that affordability and livability.

260 ROSS: Agree with opinion of numerous supreme court decisions that the private property owner shouldn't have to bear the sole burden of public benefits.

274 REP. CORCORAN: Said you didn't think this would apply to farm or forest land. Asks Ross to explain the correlation on page 2, line 14, which defines ecoresource as wildlife areas, corridors and habitats on land.

265 ROSS: Doesn't apply to regulations to protect farm and forest land.

289 REP. CORCORAN: If the bald eagle was moved to the endangered list and that created a series of new regulations would that fall under this provision.

303 ROSS: Thinks that would probably be covered by federal regulations which would be excluded from this.

313 REP. CORCORAN: It wouldn't be the responsibility of everyone under SB 600. It would be the responsibility of the government to pay back the person who is adversely impacted.

319 ROSS: To that extent we are all the government of Oregon.

327 JON CHANDLER, CHIEF COUNSEL, HOMEBUILDERS ASSN., OF METROPOLITAN PORTLAND: Testifies in support of SB 600.

375 PHILLIP JOHNSON, OREGON SHORES CONSERVATION COALITION: Testifies in opposition to SB 600 (EXHIBIT H).

488 REP. LUKE: People up stream are being forced to give some irrigation water and different things for the fish returning up the river. What is your view of stopping all of the commercial and recreational salmon fishing, off the coast, so more fish can get up there.

TAPE 72, SIDE A:

034 JOHNSON: We have not grappled with harvest issues, as such. We have been dealing with habitat issues.

055 SALLY CROSS, OREGON NATURAL RESOURCES COUNCIL : Testifies in opposition to SB 600.

080 MITCH ROHSE, OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT: Testifies in opposition to SB 600.

130 -Makes reference to Section 6, on page 4, line 27, it refers to rules adopted by the Dispute Resolution Commission, had assumed those rules had already been adopted. They have not.

136 REP. LUKE: How much money will this bill cost if nobody takes anybody's private lands?

138 ROHSE: If no regulations are applied?

138 REP. LUKE: Yes.

-It won't cost anything will it?

139 ROHSE: Probably would cost nothing. Doesn't know if there would be any administrative costs.

145 REP. UHERBELAU: States she thinks there will be a cost; a cost to society.

152 CHARLES SWINDELLS, 1000 FRIENDS OF OREGON: Testifies in opposition to SB 600 (EXHIBIT I).

218 DON SCHELLENBERG, ASSOCIATE DIRECTOR OF GOVERNMENTAL AFFAIRS, THE OREGON FARM BUREAU: Testifies in support of SB 600 (EXHIBIT J).

260 JAMES R. MILLER: Testifies in support of SB 600.

309 The forest service would have exchanged land with us. There are other ways. The state and counties own a lot of land. There could be land exchanges effected that would not involve cash.

336 JEFF LEWIS: Testifies in support of SB 600. Has property he cannot sell because of environmental protection overlays on his property.

386 -The bill will help stop repression from the government.

425 LARRY MOYER, MOYER THEATERS: Testifies in support of SB 600. Doesn't understand why property owners should pay more than the average citizen.

468 Recesses THE PUBLIC HEARING on SB 600.

471 Opens the PUBLIC HEARING on SB 829

Witnesses: Sen. Gene Timms, Oregon State Senator, District 30  
Sen. Ron Cease, Oregon State Senator, District 10  
Sen. Denny Jones, Oregon State Senator, District 60

485 SEN.GENE TIMMS, OREGON STATE SENATOR, DISTRICT 30: Testifies in support of SB 829.

TAPE 73, SIDE A

046 SEN. RON CEASE, OREGON STATE SENATOR, DISTRICT 10: Testifies in support of SB 829.

072 REP. DENNY JONES, OREGON STATE SENATOR, DISTRICT 60: Testifies in support of SB 829.

099 REP. UHERBELAU: Makes note of section 2, page 1, which references "undue delay", was there some discussion on the Senate side about what "undue delay is?"

105 SEN. TIMMS: Doesn't recall.

117 SEN. CEASE: Explored with SEN. TIMMS possibility of putting a sunset on it. Thinks a sunset should not be less than six years..

131 REP. UHERBELAU: Wasn't asking for a sunset.

137 SEN. CEASE: Would be satisfied with a six year sunset.

141 REP. JONES: The core drilling shows that there's a million ounces of gold there, and the same amount of silver.

147 REP. NORRIS: Asks what the vote was in the Senate.

147 SEN. TIMMS: Doesn't recall.

156 REP. LUKE: The only problem he would have with a six year sunset is if there were delays caused the government entities, instead of the mining company.

161 Recesses the PUBLIC HEARING on SB 829.  
Opens the PUBLIC HEARING on SB 285 & 286.

167 REP. WOOTEN: Testifies in support of SB 285 & 286.

204 REP. LUKE: Asks if there isn't a property within the urban growth boundary of Eugene or Springfield where they could build this armory?

206 REP. WOOTEN: There is one parcel identified that is near the airport that could possibly be a fallback. The problem is the difficulty in getting the current owners of the property to a selling price that's within the range of the National Guard and Lane County and the non-profits involved.

250 REP. LEWIS: This isn't limited to Lane County. This is statewide, allowing the National Guard and the reserves to build outside the urban growth boundary in any county in this state.

259 REP. WOOTEN: Colonel Caldwell from the National Guard and officials from Lane County as here to answer questions, but here understanding is it would have applications only in Lane and Washington counties.

276 REP. UHERBELAU: Do you know what soil type is on this property.

278 REP. WOOTEN: It is not one and two, and not used for agricultural purposes.

293 REP. LEWIS: Are the other three corners inside the urban growth boundary?

294 REP. WOOTEN: That's correct, .

296 REP. LEWIS: Are sewer and water services going to be extended to this property outside the urban growth boundary?

298 REP. WOOTEN: The college system is going to be extended.

315 REP. LEWIS: Asks if they have looked at the option of expanding the urban growth boundary just to include this parcel.

317 REP. WOOTEN: We did look at that and every indication that we had from that particular assessment was that the process would take up to two years.

331 REP. LUKE: SB 286 says that any political subdivision can sell property and then use that property for low income housing, social services, and child care. Why is it necessary to go the back door approach. If a county wants to provide social services and child care let it come out of the general fund and not out of something like this.

346 REP. WOOTEN: As I understand the way the bill was structured it's not for purposes of providing services, so much as the opportunity for services.

353 REP. LUKE: No, that's not what it says. It says provide low income housing, social services, or child care for residents of the political subdivision.

364 REP. WOOTEN: Just handed a copy of the bill and will look at it more carefully.

374 REP. LUKE: You're supposed to sell the property to collect the back taxes. That money is supposed to go into the general fund. If Land county wants to take money out of the general fund and pay for somebody's child care and social services, I don't have a problem with that. But this is doing something in allowing not only Lane county but every county in this state to take this property and use it for non-general fund purposes.

388 REP. WOOTEN: May have been a broad drafting issue at stake here. The point is not property which has been acquired by local public entities by virtue of foreclosure for non-payment of taxes, but rather properties which had been bequeathed for specific purposes.

411 REP. CORCORAN: Wants to underline to REP. LUKE that the basis of this

is not social services, it's juvenile corrections.

446 Recesses the PUBLIC HEARING on SB 285 & 286.

Re-opens the PUBLIC HEARING on SB 600.

Witnesses: John S. Shafer  
Jonathan Poisner  
Liz Frenkel, Oregon Chapter, Sierra Club  
Ruth Spetter  
Bill Stocking  
Don Duhrkopf  
Phillip Fell, League of Oregon Cities  
Larry George, Executive Dir., Oregonians in Action

466 JOHN S. SHAFER: Testifies in opposition to SB 600.

TAPE 72, SIDE B

053 JONATHAN POISNER, Portland, Oregon: Testifies in opposition to SB 600 (EXHIBIT K).

099 LIZ FRENKEL, OREGON CHAPTER, SIERRA CLUB: Testifies in opposition to SB 600 (EXHIBIT L).

134 RUTH SPETTER: Testifies in opposition to SB 600 (EXHIBIT M).

188 BILL STOCKING: Testifies in support of SB 600.

204 REP. LEWIS: Are you in Portland? Are you in the urban growth boundary.

214 REP. LUKE: Are you in Portland?

210 STOCKING: Yes. We're not very far from (unintelligible) park.

222 REP. LEWIS: How much land?

223 STOCKING: Five acres.

232 DON DUHRKOPF: Addresses Section 8. Does the property owner still pay taxes on that property he can't use?

267 JOHN FOSTER, LEGISLATIVE CHAIR, OREGON SMALL WOODLANDS ASSN: Testifies in support of SB 600 (EXHIBIT N).

288 REP. NORRIS: It seems to me that as long as those trees are standing and attached to the property they'd be real, and if you cut them or they fell down they'd be personal, wouldn't they be sir?

290 DUHRKOPF: Has bought timber deeds and the title insurance companies consider those sometimes as personal property, sometimes they consider as real property.

300 PHILLIP FELL, LEAGUE OF OREGON CITIES: Testifies in opposition to SB 600.

330 LARRY GEORGE, EXECUTIVE DIRECTOR, OREGONIANS IN ACTION: Testifies in support of SB 600 (EXHIBIT O).

384 Closes the PUBLIC HEARING on SB 600.

386 CHAIR TARNO: RECESSES the meeting at 5:03 PM to reconvene at 5:45 PM.

427 Re-opens the meeting at 6:54 PM.

428 Re-opens the PUBLIC HEARING on SB 829.

Witnesses: Don Hull, Oregon Dept. of Geology and Mineral Industries  
Gary Lynch, Supervisor of Mine Land Reclamation Program, Oregon  
Geology and Mineral Industries.  
John Brenneman, Newmont Mining

434 DON HULL, OREGON DEPT. OF GEOLOGY AND MINERAL INDUSTRIES: Testifies in support of the A engrossed version of SB 829.

461 GARY LYNCH, SUPERVISOR OF MINE-LAND RECLAMATION PROGRAM, OREGON DEPT. OF GEOLOGY AND MINERAL INDUSTRIES: Testifies in support of SB 829.

467 JOHN BRENNEMAN, NEWMONT MINING: Testifies in support of SB 829.

488 REP. NAITO: When the mine would apply to get the permit, they would be able to operate under the rules that were then in existence, unless there was a threat to health and safety. What if new things come up in mining technology. Would the state be prevented in going forward with that.

TAPE 73, SIDE B

039 HULL: There are no technological limitations.

058 REP. THOMPSON: You've looked this over and you're totally satisfied with it?

059 HULL: As amended in the Senate we're totally satisfied with the bill.

060 REP. UHERBELAU: Asks if they have any comment on a six year sunset.

064 HULL: Thinks it might not be a good idea to put a sunset in effect. They are complex projects and require federal NEPA review, and there are a lot of hurdles to get over.

076 CHAIR TARNO: What kind of time are we looking at for the permitting process.

077 HULL: Talking about a few years, subject to challenge along the way.

084 REP. NORRIS: There would be nobody here at the end of that six year sunset.

088 REP. LUKE: The sunset would apply to the mining company six years after they filed their application.

094 REP. FISHER: Have been getting some indications that some of the agencies are citing lack of information to hold things up indefinitely.

100 BRENNEMAN: The Department of Geology and Mineral Industries has been very cooperative and we want to work along with them.

099 FISHER: Wasn't referring to Dept. of Geology and Mineral Industries, was wondering about other permits that might be required.

102 LYNCH: Permitting is an exhaustive process. Thinks the agencies worked very well together on this.

116 REP. UHERBELAU: Sees the statement "without undue delay", the person whose in the department right now might not see the process as being unduly delayed, the next person may think the mining company is taking too long. Could work to the detriment of both sides. Thinks there needs to be some parameters.

126 BRENNEMAN: Personally very comfortable with that language.

129 LYNCH: These things move slowly by nature. The problem with the sunset clause is that the additional expiration that's needed to define this ore body is going to take probably another one to two years.

138 Closes the PUBLIC HEARING on SB 829.  
Opens the WORK SESSION on SB 829.

139 MOTION: REP. THOMPSON: moves SB 829 A engrossed, to the floor with a DO PASS recommendation.

147 REP. NAITO: Doesn't think they can establish any legislative intent on what "unreasonable delay" is because that would depend on a case by case basis. Not in a position to say what is reasonable or unreasonable for this industry.

VOTE: In a roll call vote, all members present vote AYE. REP. JOSI AND REP. WELSH ARE EXCUSED.

163 CHAIR TARNO: Having received a constitutional majority, SB 829 is passed to the floor with a DO PASS RECOMMENDATION. REP. FISHER WILL CARRY THE BILL TO THE FLOOR.

166 REP. NAITO: Wants to go on record that we have some of the toughest laws in the nation in this area. It's only in light of that that we can trust them on this type of thing.

171 CHAIR TARNO: Makes statement about prior testimony of REP. WOOTEN on SB 285 & 286.

178 Opens the PUBLIC HEARING on SB 285.  
Witnesses: Steve Carmichael, Director of the Dept. of Youth Services, Lane County

184 REP. LUKE: Suggests that on page 2, line 38, it says "armed forces reserve center" if we insert "within one-half mile of the community college" it would get rid of some of the objections, and make it very site specific to Lane County.

201 REP. NORRIS: Believes that Lane County is now the only remaining county that has the marginal lands provision.

202 REP. LUKE: There are 2.

206 REP. LUKE: With this in here they may favor the Lane County site.

211 REP. NAITO: Is this site on prime farm land?

212 STEVE CHARMICHAEL, DIRECTOR OF DEPT. OF YOUTH SERVICES, LANE COUNTY: This site is close to the freeway and not suitable for farming

229 Closes the PUBLIC HEARING on SB 285  
Opens the WORK SESSION on SB 285

230 REP. LUKE: Proposes a conceptual amendments to add the words "if it's within one-half a mile of a community college" on page 2, line 38 after "armed services reserve center.

234 REP. LEWIS: Suggests that REP. LUKE find the Staff Measure Summary because there was a slight amendment, so it's actually line 39 on the A



engrossed version.

238 -No, you're right, it's in the right place.

239 REP. NAITO: Asks REP. LUKE if he wants it to read singular "center" or plural "centers"?

242 REP. LUKE: They might want to put more than one building there.

245 REP. LUKE: Repeats the proposed conceptual amendment "armed forces reserved center if it is within one half mile of a community college".

252 CHAIR TARNO: Mr. Corcoran this is your bill. Did you hear the amendments?

255 REP. CORCORAN: Yes. I'm fine with them.

247 CHAIR TARNO: Any objections? Hearing none the motion CARRIES.

263 MOTION: REP. LUKE: Moves to suspend the rules for the purpose of moving SB 285 to the floor.

271 VOTE: Hearing no objection, the motion CARRIES.

272 MOTION: REP. CORCORAN: Moves SB 285 A engrossed as conceptually amended to the floor with a with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. JOSI IS EXCUSED

287 CHAIR TARNO: Having received a constitutional majority, SB 285 is passed to the floor with a DO PASS RECOMMENDATION. REP. CORCORAN WILL CARRY THE BILL TO THE FLOOR.

294 Re-opens the PUBLIC HEARING on SB 286.  
Witnesses: Bill VAN VACTOR, County Administrator, Lane County

298 BILL VAN VACTOR, COUNTY ADMINISTRATOR, LANE COUNTY: Testifies in support of SB 286

318 REP. LUKE: What stops you under current law from selling that property, putting it in your general fund, and buying another piece of property?

320 VAN VACTOR: When tax foreclosed property is sold it goes into the unsegregated tax account and disB ursed back out to the taxing districts.

325 REP. LUKE: The problem is that you have a bill here that is not site specific. This will apply to every county in the state, and allow you to go around the general fund process. He has a problem with that.

337 VAN VACTOR: Recognizes the problem but off the top of his head he can't think of an amendment that would do that.

339 CHAIR TARNO: We want to restrict this to an issue in Lane County.

342 REP. CORCORAN: Thinks that a sunset might work.

352 REP. NAITO: Has seen legislation passed that applied only to one county.

358 Closes the PUBLIC HEARING on SB 286.

Opens the WORK SESSION on SB 286.  
Witnesses: Bill Van Vactor, Lane County  
Steve Campbell, Lane County  
Mike Caldwell, Policy Liason, Oregon National Guard

360 CHAIR TARNO: Asks about length of time between when they are given authority and the projects start.

364 VAN VACTOR: Hopes they would do it within one year.

367 CHAIR TARNO: Directs the committee's attention page 1, Section 3, which reads "any political subdivision", suggests changing that to read "any political subdivision within Lane County."

372 REP. NORRIS: Has a letter from Pendleton which says "it appears this bill would provide additional flexibility to local government in the disposal of surplus property. It appears the bill is aimed specifically at low income housing, civil services and child care. The city supports SB 286.

377 CHAIR TARNO: Good, we appreciate their support.

385 REP. FISHER: I'm going to be a firm no on this. This allows you to sell enough property to reach the purchase price for this one particular piece of property Can't support doing this with all of the potential tax loss.

402 CHAIR TARNO: Asks REP. NORRIS if he can live with limiting it to Lane County.

410 REP. LUKE: If you're going to put a two year sunset on this, he would like to limit it to one transaction in two years.

414 VAN VACTOR: States they may have to assemble quite a few parcels to get

to the value of the desired site.

420 REP. LUKE: We've gone from one parcel to several now.

421 VAN VACTOR: No, we're still trying to acquire a single site, but it may take several foreclosed properties to add up to enough value to equal the sales price.

448 MOTION: REP. CORCORAN: Moves two conceptual amendments to SB 286 A engrossed. The first is on line 15, page 1, after the word "subdivision" insert the word "in Lane County." The second is on line 11, of page 2, insert a "two year sunset provision."

479 REP. NAITO: Suggests the bill itself be sunsetted in two years and leave the details to legislative counsel.

485 REP. LEWIS: Section 1, subsection 2, is existing language on lines 10 through 14 why did you have to insert the "or housing authority" there?

493 VAN VACTOR: A representative of the housing authority came over to the hearing in the Senate and asked for that amendments.

REP. LUKE: Asks why they can't

TAPE 74, SIDE A

041 REP. UHERBELAU: Losing money from a lot of sources.

047 REP. FISHER: Why do you have to sell these lands to non-profit, municipal corporations, or housing authorities? Why can't you sell it to the public and put it back on the tax rolls.

051 VAN VACTOR: The majority of our property we do sell, this is just an exception to that process.

054 REP. CORCORAN: The committee is not having an opportunity to hear the plans for the use of the property. Thinks this will be a model for other counties to use.

070 REP. LUKE: If it wasn't for that project I would be jumping up and down. Wants this off the books as soon as they're done with this project.

079 REP. LEWIS: Asks why they don't go to the voters and have them fund this.

082 STEVE CAMPBELL, LANE COUNTY: It is in front of the voters right now. A \$39 million project to build a new juvenile detention and court system and to develop the project. Doesn't know how that vote is going to go.

092 REP. LEWIS: If this is in front of the voters, the whole project could die, and yet we've put this provision in here for you.

096 CAMPBELL: Gives the scope of the entire project.

113 REP. UHERBELAU: Is this project in anyway tied to the supersite project.

117 CAMPBELL: Yes. Continues to outline the scope of the project.

131 REP. LUKE: What you're trying to do is get the money to buy a state piece of property.

132 CAMPBELL: The state will own the new armed forces reserve center.

134 REP. LUKE: So you will be taking money away from the school districts and special districts.

138 MIKE CALDWELL, POLICY LIASON, OREGON NATIONAL GUARD: Explains the reason why this project is being done in this way.

154 REP. LUKE: After you're given the property for the value of a dollar and fifty years later you get ready to sell the property back to the city, do you sell it back to the city for a dollar.

157 CALDWELL: Oregon revised statutes don't allow that.

161 CHAIR TARNO: Is there a consensus that we should send these conceptual amendments to legislative counsel for a final draft?

163 REP. LUKE: Would be happy to go with the representatives on Monday morning to legislative counsel.

164 CHAIR TARNO: Or would you rather move the conceptual bill?

165 REP. CORCORAN: Would like to find out what the votes are.

173 MARK BAUER, COMMITTEE ADMINISTRATOR: The problem with a conceptual when you limit it to Lane County and it follows the phrase "political subdivision" and that phrase is all over this bill. It just may be that legislative counsel either is going to need to say Lane County after every "subdivision", it may or may not look the way you'd like it to.

180 REP. LUKE: If you move it conceptually legislative counsel can't change it.

181 CHAIR TARNO: Let's take it to legislative counsel.

181 Closes the WORK SESSION on SB 286.  
Opens the PUBLIC HEARING on SB 568.

197 Closes the PUBLIC HEARING on SB 568.  
Opens the WORK SESSION on SB 568.

198 JON CHANDLER, CHIEF COUNSEL, HOME BUILDERS ASSN., OF METROPOLITAN PORTLAND. States that the amendments introduced by Randy McDonald of the University of Oregon which had to do with the Amazon Housing Project had been withdrawn.

205 BAUER: The University of Oregon had wanted this amendment to assist them with some of their historical housing issues. They had incorrect language and have withdrawn their amendments at this point.

211 MOTION: REP. FISHER: Moves the A engrossed version of SB 568 to the floor with a DO PASS recommendation.

220 REP WELLS: States his reasons for not supporting the bill.

226 REP. NAITO: Shares the concerns about the cost of the appeal.

234 REP. LEWIS: Supports the raising of the fee. States they really did get a lot of frivolous cases.

244 VOTE: In a roll call vote, six members vote AYE (CORCORAN, FISHER, LEWIS, LUKE, NORRIS AND TARNO, three members vote NO (NAITO, THOMPSON, AND WELLS) three members are EXCUSED (JOSI, UHERBELAU, AND WELSH).

256 CHAIR LEWIS: Orders a stand at ease.

272 -Informs REP. UHERBELAU they are voting on SB 568.

295 CHAIR TARNO: Calls the committee back to order

230 REP. UHERBELAU: Votes NO

258 REP. WELSH: Votes Aye.

FINAL VOTE COUNT: Seven members vote AYE. Four members vote NO (REP. JOSI IS EXCUSED)

301 CHAIR TARNO: Having received a constitutional majority SB 568 is passed to the floor with a DO PASS recommendation. REP. LEWIS WILL CARRY THE BILL TO THE FLOOR.

308 Closes the WORK SESSION on SB 568.  
Opens the PUBLIC HEARING on SB 1049.  
Witnesses: Don Schellenberg, Associate Director of Governmental Affairs, Oregon Bureau.

320 DON SCHELLENBERG, OREGON FARM BUREAU: Testifies in opposition to SB 1049 and offers an amendment (EXHIBIT P).

367 REP. LUKE: They couldn't have cut that road off unless the county had approved it, could they?

372 SCHELLENBERG: Doesn't know the answer to that.

372 REP. LUKE: The answer's no.

377 -What section of the Farm Bureau Manual is this in?

380 -You mentioned that the Farm Bureau is opposed to this. It's either in the manual or they had a vote. Did they have a vote?

383 SCHELLENBERG: They did not have a vote.

384 REP. LUKE: They just had a meeting Tuesday.

386 SCHELLENBERG: No, this has not been discussed by the Board.

387 REP. LUKE: So whose amendment is this then?

388 SCHELLENBERG: The amendment is the Oregon Farm Bureau amendment , because I represent the Oregon Farm Bureau.

389 REP. LUKE: If it's not in the book, and they didn't take a position on it, how can this amendment be the Oregon Farm Bureau amendment?

393 SCHELLENBERG: We have sufficient policy in our book regarding the ability to farm ones property without interference. There is sufficient general policy in the book to warrant my drafting these amendments.

398 REP. LUKE: Can I ask a question on another bill that he brought forward to this subcommittee?

403 -Yesterday, he had members from the Jefferson County Farm Bureau in his office, apologizing for the fact that their name was used on a bill that you brought before us and said was at the request of the Jefferson County Farm Bureau. They told him they had not given written permission for

Schellenberg to use their name on that bill. Would like for Schellenberg to put on the record whose bill that was and at whose request.

418 SCHELLENBERG: To his recollection that was the Oregon Farm Bureau's amendment, they don't introduce amendments or bills on behalf of counties farm bureau's. They introduce amendments and bills on behalf of the Oregon Farm Bureau.

431 REP. NAITO: Has a few procedural points. If there is a problem with this type of credibility issue there are a number of avenues REP. LUKE could pursue. Doesn't think it is appropriate to discuss another bill, or anything related to it, that has not been set for public notice.

448 REP. FISHER: Doesn't see anything in this bill which would limit farming.

467 SCHELLENBERG: Nothing in the bill which limits that. Just citing what happened in his situation.

481 REP. THOMPSON: Has there ever been another case where this has been a problem. Not sure this law is necessary.

491 SCHELLENBERG: Doesn't know of any other cases. Looks like this bill is an outright use in a Exclusive Farm Use Zone.

TAPE 75, SIDE A

042 REP. NAITO: Wondering if the film people would be able to interfere with farm work.

047 SCHELLENBERG: Doesn't believe they could have.

051 REP. NORRIS: Reads the appropriate section of ORS covering this matter.

057 REP. NAITO: Asks if the county would be the governing body.

067 REP. FISHER: Does a farmer never enjoy a TV show. Thinks they're being unreasonable.

071 SCHELLENBERG: Don't want to be restrictive, just want some review of what the impact of the non-farm activity will be.

082 REP. LUKE: This is a temporary use for only 45 days. What makes this one so different.

086 SCHELLENBERG: A farm stand is a permitted use. Thinks filming should be a permitted use.

092 REP. LUKE: Have you checked with the sponsor of this bill, and did you introduce this amendment on the Senate side.

094 SCHELLENBERG: No he has not, and no he did not.

095 REP. UHERBELAU: Thinks if the intent is that the right to farm law would still apply in this case, doesn't see that there's a problem. Not sure that that's clear.

108 SCHELLENBERG: Asks what is the purpose and effect of Section 1, subsection 1.

113 REP. LEWIS: Thinks this is saying limitations on uses does not apply to the balance of this bill.

119 SCHELLENBERG: So this means they can do anything they want.

122 REP. LUKE: Reads language from the bill.

130 Closes the PUBLIC HEARING on SB 1049

Opens the WORK SESSION on SB 1049.

131 REP. LUKE: Gives the background of what happened in Deschutes County during the filming of the McKenna series. Tried to use the farm use laws to stop filming.

157 MOTION: REP. CORCORAN: Moves a conceptual amendment to SB 1049 that would add ORS 215.213 to line 5, in Section 1, subparagraph 1.

165 REP. LUKE: So you want to include Lane County?

177 VOTE: Hearing no objection, the motion CARRIES.

177 MOTION: REP. CORCORAN: Moves to SUSPEND THE RULES for the purpose of moving SB 1049 to the floor.

181 VOTE: Hearing no objections, the RULES ARE SUSPENDED.

182 MOTION: REP. CORCORAN: Moves the A engrossed version of SB 1049, as conceptually amended, to the floor with a DO PASS recommendation.

186 REP. NAITO: Will vote for the bill, but is concerned why it was not put under permitted use.

200 REP. NORRIS: Thinks it should be a rather unusual occurrence and this will put it under control of a local governing body.

206 VOTE: In a roll call vote, all members present vote AYE. REP. JOSI AND  
WELSH ARE EXCUSED.

216 CHAIR TARNO: Having received a constitutional majority, SB 1049, A  
engrossed, as conceptually amended, is passed to the floor with a DO PASS  
recommendation. REP. LUKE WILL CARRY THE BILL TO THE FLOOR.

219 Closes the WORK SESSION on SB 1049.  
Opens the PUBLIC HEARING on SB 830.  
Witnesses: Mel Stewart  
Jennifer Robison, Special Assistant to the Director, Oregon Division of  
State Lands  
Jennifer Ayotte  
John Chandler, Chief Counsel, Metropolitan Portland Homebuilders

Assn.  
234 MEL STEWART: Testifies in support of SB 830. Relates what happened to  
him regarding his property.

263 -Passes out colored photograph of the property (EXHIBIT X)

303 Makes reference to legislation passed by the legislature in 1987.  
States they realized there could be conflicts between legitimate  
development and wetlands. Talks about mitigation banks.

320 -This bill (SB 830) sets a time certain for Division of State Lands to  
create that rule making.

324 REP. NAITO: Wonders about page 1, line 21 of the bill, it is proposed  
that we take out language that "a proposed fill conforms to sound policies  
of conservation".

331 STEWART: That's because in past decision making of Division of State  
Lands they've chosen to rely solely on that sentence for the denial of a  
permit. How do you prove that whatever you're doing conforms to "sounds  
policies of conservation" or disprove it.

353 REP. CORCORAN: Wants to get it straight. You we're denied a permit?

354 STEWART: That's correct.

354 REP. CORCORAN: What was the reason for the denial?

355 STEWART: The proposed development did not conform to sound policies of  
conservation.

357 REP. CORCORAN: You have that written denial?

359 STEWART: He does.

359 REP. CORCORAN: Did you appeal that?

360 STEWART: He did. All the way through the state court system.

361 REP. CORCORAN: And were you successful?

361 STEWART: No

362 REP. CORCORAN: why?

362 STEWART: The legislature wrote "it's within the discretion of Director  
of Division of State Lands to deny any permit if he finds it doesn't  
conform to sound policies of conservation.

366 REP. CORCORAN: It had nothing to do with completeness or anything like  
that?

368 STEWART: Addresses the topic of completeness.

381 -One of the things were trying to accomplish is to focus Division of  
State Lands attention on making their decisions based on the local  
comprehensive plan of the community, rather than relying on sound policies  
of conservation.

392 REP. FISHER: How much money are you out by now?

395 STEWART: About \$40,000.

403 JENNIFER ROBISON, SPECIAL ASSISTANT TO THE DIRECTOR, OREGON DIVISION OF  
STATE LANDS: Testifies in opposition to SB 830 (EXHIBIT Q).

423 REP. LUKE: Can you tell me what "conforms to sound policies of  
conservation" means.

423 ROBISON: It is part of the overall policy in terms of protection and  
conservation of waters of the state, which are defined to include streams,  
rivers, ponds, etc.

437 REP. LUKE: Where in your administrative rules, what page and chapter,  
can a person find the definition for that?

440 ROBISON: Has the rules with her; doesn't know the exact site but will  
get it for him.

442 REP. LUKE: Is it in there

443 ROBISON: Believes it is directly from the statute. It's the  
legislature that wrote that language.

451 REP. LUKE: There is a definition for "sound policies of conservation" in your administrative rules.

451 ROBISON: Does not know that there is. Will search them and let him know.

455 REP. LUKE: If an ordinary citizen wants to know what that means where would they go?

458 ROBISON: To her knowledge it has not been an issue before now.

462 REP. LEWIS: States she didn't see any water on this property. Are you saying you can come in after a city has comprehensive plan designated a piece of property to be residential, and you can come in at the permit stage and say "this relates to the waters of the state of Oregon" when there's no water on the property?

479 ROBISON: The overall area here is zoned for town houses. The particular two acres which are the subject of this permit are shown on the plan development which was filed in the 80's as a park.

TAPE 74, SIDE B

032 REP. LEWIS: Asks if they could not use common sense and see that there is no water on this property.

035 ROBISON: Believes the third witness has other photographs that show it as a rather wet place.

037 REP. LEWIS: Asks why if they were directed by the legislature in 1987 to adopt rules for mitigation, and this is now 1995, why have you yet to adopt those rules?

039 ROBISON: The specific provisions to which Mr. Stewart referred are know as the Mitigation Banking Act. Explains the two provisions of the Act. They have adopted the rules for estuarian wetlands, and have the rules for fresh water wetlands on their rule making agenda.

053 REP. UHERBELAU: Asks if the department has any problem with the changes proposed on lines 14 through 16, and the other one on line 41 & 42.

56 ROBISON: No they don't. Points out that the first change which specifies that "compensatory wetland mitigation shall be limited to the functional attributes of the lost wetland" could have an inadvertent effect in making mitigation more expensive than it is now.

070 REP. NORRIS: You said something had to be within 40 miles of each other. What did I miss there?

072 ROBISON: The Wetland Mitigation Banking Act would be set up a mitigation bank for each 40 mile radius circle in the state of Oregon.

075 REP. NORRIS: Everywhere?

075 ROBISON: Yes. Where this is demand for a mitigation bank.

079 REP. NORRIS: When was the last time someone from the Division of State Lands was actually on the site we're discussing here.

080 ROBISON: Doesn't know the answer, but she'd be happy to find out and report back.

082 REP. FISHER: Strange that Hewlett-Packard could come in there less than a quarter of a mile away and take 500 acres of ground. You make as much sense as nothing on this.

097 -What do we have to do to allow somebody to have the right to use his land.

099 ROBISON: Believes the other permits in that area have mitigated for the wetlands. If Mr. Stewart had instead spent a couple of thousand dollars on a mitigation plan, he would have saved himself \$45,000 and he would have saved the state of Oregon a lot more than that.

106 REP. FISHER: Did you advise him of that?

107 ROBISON: It says in his letter denying his permit that the Division would be happy to issue a permit as soon as he provides them with a specific mitigation plan.

113 REP. FISHER: Where did Hewlett-Packard and all the rest of the people mitigate?

114 ROBISON: Believes some of them at Jackson Bottoms.

115 REP. FISHER: Where is Jackson Bottoms.

115 ROBISON: Within a couple of miles of this property as I understand it.

117 REP. LUKE: What uses can this property owner put this property to if they don't build on it? Can they farm it?

120 ROBISON: The land is zoned for development.

124 REP. LUKE: So without developing the land, they can't farm it. It's not zoned for a farming wetland?

126 ROBISON: Agricultural wetlands themselves are not a question about the zoning, there is a specific related to them; they are an exemption basically under the wetlands law.

129 REP. LUKE: Are these agricultural wetlands?

129 ROBISON: No they are not.

131 REP. LUKE: Right now, right this minute, what can he do with this land.

133 ROBISON: If he provides us with an adequate (interrupted by REP. LUKE).

133 REP. LUKE: Excuse me, right now, with the piece of property as it stands, what an they do with the property? Anything? Is there any permitted uses on this property as it sits right now?

136 ROBISON: Believes only half of the property is categorized as wetlands, so yes he could build on half of it.

139 REP. FISHER: You said earlier this was supposed to be a park, now you just said it was for development.

140 ROBISON: The area is zoned for town houses. In the 1980's a planned development was filed for about 41 acres, and in that planned development, these two acres are shown as a park.

144 REP. FISHER: Did this gentleman own this land back in the 80's?

146 ROBISON: Yes he did own the entire 41 acres.

148 REP. FISHER: He owned 41 acres instead of the two acres?

150 -How could he get rid of the other 41 acres if it's zoned for a park and he can't use these two?

152 ROBISON: They were foreclosed on. These two acres were not foreclosed because they were for a park.

153 JENNIFER AYOTTE: Testifies in opposition to SB 830 (EXHIBIT R)

194 -Points out inconsistencies in Mr. Stewart's testimony.

232 REP. UHERBELAU: Thinks the committee felt very sorry for Mr. Stewart and doesn't want that feeling based on misleading information.

248 REP. LEWIS: Did you submit this same testimony before the Senate?

249 AYOTTE: No. She just recently received a copy of Mel Stewart's Senate testimony, which was entered into the record, and felt that it needed rebuttal. It was a very one sided story.

256 REP. LUKE: She's rebutting something we don't have copies of.

258 AYOTTE: Assumes they have all the records of the Senate hearings.

258 REP. LUKE: No, absolutely not. That's on the Senate side.

260 AYOTTE: Summarizes the balance of her testimony at the Chair's request.

280 REP. LUKE: Is he, by filing these suits, and doing the things that are in the law, violating the law.

281 AYOTTE: No, he has a right to do it.

282 REP. LUKE: That's exactly the point.

284 AYOTTE: Says that one of the reasons his permit was denied was because he did not fill it out completely.

288 REP. LEWIS: Asks what the vote was on the Senate side.

291 REP. LUKE: Actually you're not supposed to ask that question.

292 REP. LEWIS: Withdraws the question.

297 JON CHANDLER, CHIEF COUNSEL, HOMEBUILDERS ASSN. METROPOLITAN PORTLAND. Introduces amendments to SB 830, but they are not in legislative counsel form and he does not have copies for the entire committee.

325 CHAIR TARNO: I'm inclined to close the public hearing and bring this back Monday, or Wednesday, with legislative counsel form amendments.

329 Closes the PUBLIC HEARING on SB 830.

336 Opens the PUBLIC HEARING on SB 160  
Witnesses: Charlie Stone, Forest Practices Director, Oregon Dept. of Forestry.  
Ray Wilkeson, Oregon Forest Industries Council  
John Foster, Legislative Chair, Oregon Small Woodlands Assn.  
Michael Lang, Friends of Columbia Gorge

342 CHARLIE STONE, FOREST PRACTICES DIRECTOR, OREGON DEPT. OF FORESTRY: Testifies in support of SB 160 (EXHIBIT S).

366 REP. LUKE: Is this the same program that Phil Kiesling brought before  
the Natural Resources Committee last session?

368 STONE: No that is Senate Bill 159.

376 -Believes there are three sets of amendments that may be proposed this  
evening. The first deals with Highway 100 and adding it to the list of  
designated scenic highways which have limited protection under the Forest  
Practices Act.

383 Highway 100 is along the Columbia Gorge, it takes in most of the old  
historic Columbia River Highway.

396 There has been considerable confusion about what highway is 100 and what  
lengths. Hopes that someone else will speak to clear that up.

404 -Continues to speak to the various amendments which may be proposed.

442 RAY WILKESON, OREGON FOREST INDUSTRIES COUNCIL: Testifies in support of  
SB 160 (EXHIBIT T).

457 -Introduces the SB 160-A12 amendments (EXHIBIT U).

TAPE 75, SIDE B

050 -Outlines the provisions of the dash A12 amendments

085 REP. LEWIS: Are you gentlemen supportive of the amendment we're going  
to be presented to add Highway 100.

087 WILKESON: Have no opinion. If this committee would like to put this  
back in it's fine, if you chose not to that would also be fine.

090 REP. LUKE: Are you supporting 10 or 12.

090 WILKESON: 12.

093 REP. NORRIS: Does this apply to both industrial and small woodlands?

094 WILKESON: Yes, that's correct.

097 CHAIR TARNO: Was of the concerns raised by Oregon Dept. of  
Transportation was an omission on Highway 100. That is not addressed in  
the dash 12 amendments.

098 WILKESON: That's correct. The only thing we're doing is adding some  
additional sections to the bill that came over from the Senate.

101 CHAIR TARNO: Are you aware of the concerns of Oregon Dept. of  
Transportation?

102 WILKESON: Yes. We have no opinion on that issue.

112 JOHN FOSTER, LEGISLATIVE CHAIR, OREGON SMALL WOODLANDS ASSN: Testifies  
on SB 160 (EXHIBIT V).

156 REP. CORCORAN: Can you explain what the basis of the opposition is to  
the addition of that highway.

159 FOSTER: It restricts the harvest of what we consider our trees. It  
also included parts of the highway that were closed.

181 DAVE BISHOP, LEGISLATIVE REPRESENTATIVE FOR THE TRANSPORTATION  
DEVELOPMENT BRANCH, OREGON DEPARTMENT OF TRANSPORTATION: Testifies in  
support of insertion of the Highway 100 language. Reads testimony  
submitted by Jeanette B. Kloos, Scenic Area Coordinator, Oregon Department  
of Transportation (EXHIBIT W).

230 -We feel the original intent was to include the full length of the  
Columbia River Gorge Highway.

275 REP. FISHER: Previous testimony indicates there were tunnels that had  
been abandoned. Is there abandoned highway in there now?

280 BISHOP: Unfortunately he does not have the technical background to  
answer those specific questions.

302 REP. LUKE: Do you know how many private land owners are along this  
road?

-Let me put it another way. Is it mostly through private land?

306 BISHOP: The section from Troutdale through Multnomah Falls and Bridal  
Veil Falls, has a lot of state land parks along that route.

314 REP. FISHER: Would like to have Mr. Foster come back and explain about  
this highway and how it's broken up.

320 FOSTER: We don't believe part of this was ever Highway 30, it could  
have been but we don't believe it was.

350 REP. LEWIS: Under the Forest Practices Act what would be required of  
these private land owners in terms of how much buffer they would have to  
leave. Could you give me an idea of what kind of dollar value we're  
talking about.

358 FOSTER: Thinks the Department of Forestry people in the room are better



able to answer that.

372 REP. FISHER: Was over the old scenic road many times while it was still the only way to Portland. There's a lot of cliffs in that area that are quite unproductive. The productive land quite often was in the vicinity of the road.

391 FOSTER: At one time most of the timber was harvested. It's was in productive and has grown back.

414 REP. NORRIS: Wonders if they have strayed from the central issue we have with this bill.

444 MICHAEL LANG, FRIENDS OF THE COLUMBIA GORGE: Testifies on SB 160.

TAPE 76, SIDE A

034 REP. LUKE: We're not talking about a highway, we're talking about the trees alongside the highway. Has a real problem the use of somebody's land away from them without them knowing about it or at least having an opportunity to comment on it.

040 LANG: The scenic buffers that go along with the designation of the Scenic Highway are temporary buffers. There to exist just until the adjacent areas that have been harvested green up to a height of 10 feet.

047 REP. LUKE: This is the Columbia River Gorge, what if the adjacent area is rock and they can never harvest those trees.

060 LANG: The special management areas deregulate forest practices, they do have scenic buffers. The Oregon Department of Forestry according to Charley Stone has withdrawn their authority over forest practices in those special management areas.

066 REP. FISHER: You mentioned that you have board members and other members that own property there. Have they moved off of them and donated them to Oregon Department of Transportation.

067 LANG: No, some of them own property in the general ....

071 REP. NORRIS: Did you present your testimony to the Senate?

072 LANG: No.

075 Closes the PUBLIC HEARING on SB 160

Opens the WORK SESSION on SB 160

Witnesses: Jim Brown, Oregon Department of Forestry.

079 JIM BROWN, OREGON DEPARTMENT OF FORESTRY: Testifies in support of SB 160.

084 -Important that they get their intent statement on the record (EXHIBIT Y).

112 REP. LEWIS: You seem to reject coming back before the legislature, don't we make policy.

113 BROWN: Responds.

129 MOTION: REP. LEWIS: Moves the SB 160-A12 amendments.

131 VOTE: Hearing no objection, the motion CARRIES.

133 MOTION: Moves a conceptually amendment to the A engrossed bill on page 9, line 44 & 45, after the subparagraph 3, beginning with "only as specifically permitted" delete the rest of the line and delete line 45 in it's entirety.

153 REP. LUKE: Mr. Brown you indicated to me you have some problems with that.

153 BROWN: Yes, we object to that amendment. In 1991 when this bill was passed it was the policy and intent of the legislature that people have to leave snag trees up on the hill. When we adopted the new riparian rules we recognized that there out to be some double counting.

167 CHAIR TARNO: Repeats the motion before the committee.

172 REP. LEWIS: Offers the amendment because this is a particular to small woodland owners.

177 REP. CORCORAN: Thinks that's somewhat hyperbole.

183 REP. LEWIS: Withdraws her motion.

184 MOTION: REP. NAITO: Moves to conceptually amend page 8, line 2 of the bill to include highway 100.

191 REP. FISHER: I object.

194 CHAIR TARNO: Repeats the motion before the committee.

199 REP. LUKE: States reasons why he will vote no.

203 REP. CORCORAN: Spoke with Mr. Lang about contacting the property owners.

209 REP. LEWIS: Did take the language out on the Senate side and to add it back in would be a mistake.

216 VOTE: In a roll call vote, the majority vote NAY. The motion FAILS.

229 MOTION: REP. LEWIS: Moves SB 160 A engrossed, as amended, to the floor with a DO PASS recommendation.

VOTE: In a roll call vote, the majority vote AYE. The motion carries.

248 CHAIR TARNO: Having received a constitutional majority, SB 160 is passed to the floor with a DO PASS recommendation. REP. WELSH WILL CARRY THE BILL TO THE FLOOR.

249 Closes the WORK SESSION on SB 160

ADJOURNS the meeting at 8:35 PM.

Submitted by, Reviewed by,

Sandy Ceballos Mark Bauer  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - SB 600-A4 Amendments -- Sen. Rod Johnson -- 2 pages  
B - Testimony -SB 600 -- Sen. Rod Johnson --  
C - Testimony -SB 600 -- Pete Wells -- 3 pages  
D - Testimony - SB 600 -- Marion Millard -- 1 page  
E - Testimony - SB 600 -- Henry Kane -- 5 pages  
F - Testimony, SB 600 -- Harold Haynes -- 2 pages  
G - Testimony - SB 600 -- Kelly Ross -- 1 page  
H - Testimony - SB 600 -- Phillip Johnson -- 3 pages  
I - Testimony SB 600 -- Charles Swindells -- 9 pages  
J - Testimony - SB 600 -- Don Schellenberg -- 1 page  
K - Testimony - SB 600 -- Johathan Poisner - 1 page  
L - Testimony SB 600 -- Liz Frenkel -- 1 page  
M - Testimony SB 600 -- Ruth Spetter -- 11 pages  
N - Testimony SB 600 -- John Foster -- 1 page  
O - Testimony SB 600 -- Larry George -- 5 pages  
P - Testimony SB 1049 -- Don Schellenberg -- 2 pages  
Q - Testimony SB 830 -- Gary Gustafson submitted by Jennifer Robison - 1 page  
R - Testimony SB 830 - Jennifer Ayotte - 12 pages  
S - Testimony SB 160 -- Charlie Stone -- 6 pages  
T - Testimony SB 160 -- Ray Wilkeson -- 2 pages  
U - SB 160-A12 Amendments - Ray Wilkeson - 8 pages  
V - Testimony SB 160 -- John Foster -- 5 pages  
W - Testimony SB 160 -- Dave Bishop -- 1 page  
X - Photos SB 830 -- Mel Stewart -- 19 photographs  
Y - Testimony SB 160 -- Jim Brown -- 3 pages

Submitted for The Record

AA - Letter SB 600- Georgia Murray -- 2 pages  
BB - Letter SB 829 -- Oregon AFL-CIO -- 1 page  
CC - Letter SB 285 -- Blair Batson, 1000 Friends of Oregon -- 2 pages