

HOUSE COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEE ON ENVIRONMENT AND ENERGY

Hearing Room
January 23, 1995 Tapes 1 - 2

MEMBERS PRESENT:

Leslie Lewis, Chair
Lisa Naito, Vice Chair
Representative Bill Fisher
Representative Dennis Luke
Representative Chuck Norris
Representative Terry Thompson
Representative Judy Uherbelau

MEMBER EXCUSED:

STAFF PRESENT:

Mark Bauer, Committee Administrator
Paula Hird, Committee Assistant

MEASURES HEARD: Public Hearings and Work Sessions on:

HJM4
HB 2080
HB 2081

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 1, SIDE A

013 CHAIR LESLIE LEWIS: Calls meeting to order at 1:34. Addresses
committee members.

 Opens PUBLIC HEARING on HB 2080.

 Witnesses: Arthur Schlack, Association of Counties.
 Dick Benner, Oregon Department of Land Conservation and Development
Commission

030 MARK BAUER, ADMINISTRATOR: Overview of HB 2080.

042 ARTHUR SCHLACK, Association of Counties: Testifies in favor of HB 2080.
 - suggests amendment adding Department of Agriculture.
 - specifies in response to REP. NORRIS that changes are to lines 24 and
25.
 - answers REP. LUKE that currently all parties must be represented by
legal counsel.

077 REP. UHERBELAU: Not being able to represent yourself is contrary to court system.

087 DICK BENNER, Land Conservation and Development Commission: Points to distinguishing between lay persons representing themselves and representing others. Explains LUBA policy for lay representation.

092 REP. UHERBELAU: Questions if bill states that anyone can represent you but you cannot represent yourself. BENNER answers, "correct", and must be authorized to represent.

097 REP. NAITO: Initiates discussion of other agencies affected. CHAIR LEWIS asks if there are any Department of Agriculture spokespersons present with no response.

112 REP. LUKE: Suggests referral to Senate for development. REP. NAITO agrees. REP. NORRIS urges holding of Public Hearing with Department of Agriculture representative.

132 REP. FISHER: Discusses adding departments. SCHLACK suggests Legislative Counsel inquire about extending the list.

149 Closes PUBLIC HEARING on HB 2080.

Opens WORK SESSION for 2080.

Witnesses: Jon Chandler, Staff Attorney, Home Builders Association

182 JON CHANDLER, Staff Attorney, Home Builders Association, Portland, Oregon: - Responds to REP. LUKE regarding agencies involved in land use contested cases.

209 REP. FISHER: Discussion on lay persons representing self or only others. REP. UHERBELAU urges clarification.

215 REP. NAITO: Amendments should go through Legislative Council. BAUER confirms that is preferred procedure. REP. UHERBELAU recommends investigating first. CHAIR LEWIS concurs.

Closes WORK SESSION on HB 2080.

261 Opens up PUBLIC HEARING on HB 2081.

Witnesses: Kelly Ross, Oregon Association of Realtors
Jon Chandler, Staff Attorney, Home Builders Association
Dick Benner, Land Conservation and Development Commission

265 BAUER: Overview of 2081.

278 KELLY ROSS, Oregon Association of Realtors: Agrees with intent but may "have cast thier net a little broadly".
- Line 10, word "involves"
- currently drafting alternate language

317 JOHN CHANDLER, Staff Attorney, Home Builders Association: Testifies against HB 2081. Concerned it will eliminate time limitations.

350 Continuing testimony by CHANDLER.

378 BENNER: In response to REP. NORRIS:
- new language being drafted will solve some concerns.
- periodic review statute and LCDC rules.
- will confer with CHANDLER.

TAPE 2, SIDE A

013 REP. UHERBELAU: Proposed amendment to 825, adding 231, 628 to 644, amendment to 840.

026 BENNER:
- lines 21-23, 430-455, enforcement authority.
- delete 197, 649, 650, old periodic review provisions.
- 628, 644 address periodic review provisions.
- effect of both provisions.
- responding to inquiry by REP. NORRIS, concerns should be part of this bill.

058 Closes PUBLIC HEARING on HB 2081.

062 CHAIR LEWIS: Comments that further scheduling on HB 2081 will await "amended language from these various groups that are going to work together"..

Dick Benner, Oregon Department of Land Conservation and Development
Commission

063 Opens PUBLIC HEARING HJM4.

Ginny Van Loo, Clackamas, Oregon
Mark R. Scott, Representing Oregon Senator Bill Kennemer, Portland, Oregon
Catrina Brown, Eugene, Oregon

068 BAUER: Overview of HJM4.

075 GINNY VAN LOO, Clackamas, Oregon: Testifies in favor of HJM4.
(EXHIBIT A)

100 REP. THOMPSON: Asks about severity of problem and accuracy of scientific reports. VAN LOO responds problem is "very bad" and believes scientific data inaccurate. Discusses "demise of Coho stocks" and other species.

148 MARK R. SCOTT, Representing Oregon Senator Bill Kennemer, Portland, Oregon: Testifies in support of HJM4. (EXHIBIT B)

160 CATRINA BROWN, Eugene, Oregon: Testifies against HJM4.

179 REP. THOMPSON: Initiates discussion with BROWN on Coho salmon rivers, logging practices, and predation problems.

214 Closes PUBLIC HEARING on HJM4.

Opens WORK SESSION on HJM4.

230 CHAIR LEWIS: Explains submittal of rough draft of HJM4 by REP. THOMPSON. (EXHIBIT C) REP. UHERBELAU favors clarifying of language.

236 REP. THOMPSON: Urges input from Robin Brown, Oregon Department of Fish
& Wildlife, and Bruce May, Marine Mammal Biologist.
- Reads draft of HJM4.

286 REP. UHERBELAU: Suggestions for language clarification. REP. NAITO
offers input.

338 REP. THOMPSON: Responds to question from REP. NAITO regarding methods
of controlling stocks.

372 REP. UHERBELAU: Initiates discussion on 10% figure stated in HJM4
draft. Comments from REPS. THOMPSON and FISHER.

TAPE 11, SIDE B

005 Continuing discussion on language and direct vs. nondirect relationship
between marine mammals and salmon decline. Comments from REPS. THOMPSON
AND UHERBELAU.

055 REP. FISHER: Cites Botkin report on marine mammal population increases.

069 Further terminology suggestions from REPS. NORRIS, FISHER, LUKE, and
NAITO.

110 CHAIR LEWIS: Overviews consensus of changes. Comments by REP. FISHER.

119 REP. NAITO: Indian tribes assisting in sealion and seal control with
response from REP. THOMPSON.

139 BAUER: Reads REP. THOMPSON's draft of HJM4 with suggested changes.

177 REP. NORRIS: Suggests referencing the potential endangerment of other
salmon species. REPS. THOMPSON reads public suggestions. Comments by REP.
NAITO.

227 CHAIR LEWIS: HJM4 draft to Legislative Counsel.

Closes WORK SESSION on HJM4.

Meeting adjourned at 2:47 p.m.

Submitted by, Reviewed by,

Paula Hird Mark Bauer
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Written Testimony, Ginny Van Loo
B - Written Testimony on Behalf of Senator Bill Kennemer, Mark R. Scott
C - Rough Draft - HJM4, Rep. Terry Thompson