

HOUSE COMMITTEE ON NATURAL RESOURCES

June 21, 1993          Hearing Room D 1:30 p.m.      Tapes 51 - 54

MEMBERS PRESENT:    Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair  
Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep.  
Dennis Luke Rep. Bill Markham Rep. Chuck Norris Rep. Nancy Peterson Rep.  
Bob Repine Rep. Liz VanLeeuwen

STAFF PRESENT:                    Kathryn Van Natta, Committee Administrator  
Catherine Fitch, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED:                    Work Session - HB 3353 - HB 2595 - HB 2734  
- HB 3092 - HB 3502 - HB 3273

Public Hearing and Possible Work Session - HB 2126 - HB 3286

WITNESSES:                    REP. JIM WHITTY DON          WREREAT,          Councilman  
for          Coos,          Lower          Umpqua and Siuslaw Indian Tribes KAY BROWN,  
Oregon Department of Fish and Wildlife

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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. [--- Unable To Translate Graphic ---]

RANDY FISHER,          Director,          Oregon          Department          of          Fish and  
Wildlife FRANK          WARRENS,          Member          of          the          Pacific  
Fishery Management Council; Charterboat Operator LARRY HILL, Oregon  
Gasoline Dealers Association GREG          WOLF,          Deputy          Director,  
Department          of Land Conservation and Development RICHARD  
ANGSTROM,          Oregon          Concrete          and Aggregate Producers  
Association JOHN          CHANDLER,          Staff          Attorney          for          Common  
Ground; The Urban Land Council of Oregon; The Homebuilders  
Association of Metropolitan Portland RAY WILKESON, Oregon Forest  
Industries Council JANE ARD, Special Assistant, Division of State Lands

TAPE 51, SIDE A

005          CHAIR BAUM:    Calls meeting to order at 1:35 p.m.

We will not be hearing HB 2354 today. Because we don't yet have the amendments for HB 3087 or SB 1007, those bills will also not be heard today. Informs interested parties in HB 2776 and HJR 69 that they have 24 hours to reach a consensus, or the committee will move the amendments

tomorrow as presented.

040 REP. VanLEEUWEN: Are there new amendments for SB 1007?

041 CATHERINE FITCH, Committee Administrator: The amendments have not officially been completed by legislative counsel, which has prevented us from completing the paperwork.

058 CHAIR BAUM: I intend to work into the evening to avoid Friday or Saturday meetings.

OPENS PUBLIC HEARING ON HB 3286

064 REP. JIM WHITTY: Introduces Don Wrereat and defers to Wrereat for his testimony on HB 3286.

074 FITCH: House Bill 3286 increases the amount of surplus hatchery salmon that may be requested by the Confederated Coos, Lower Umpqua and Siuslaw Indian tribes from 300 pounds to 1,000 pounds. Currently, two tribes in Oregon are allowed the 300 pounds of salmon for traditional and cultural ceremonial purposes.

090 DON WREREAT, Councilman for Coos, Lower Umpqua and Siuslaw Indian Tribes: Testifies in support of HB 3286. Since our tribes are growing

and the number of ceremonial dinners have increased, we have found that 300 pounds of salmon is not sufficient. Last Friday, we had a graduation dinner for our Indian children, and we had to buy the salmon. What precipitated our request for more salmon was an incident which occurred last year when we were getting our salmon. A driver was loading up a U-Haul truck with 2,000 pounds of salmon, and he said he was paying \$2 per fish, and selling them on the San Francisco market the next day. Indian tribes should have first right of rejection to buy these salmon.

107 CHAIR BAUM: Do you pay for your 300 pounds?

109 WREREAT: No. But we are willing to pay \$2 per fish.

116 REP. MARKHAM: Is this the bid price that the processor bid for fish that returned to the hatchery?

118 WREREAT: Yes. That was the bid price last year.

121 KAY BROWN, Oregon Department of Fish and Wildlife: Presents written testimony (EXHIBIT A) regarding HB 3286. The department neither opposes nor supports this bill.

147 REP. NORRIS: Are these fish basically spawned-out fish?

148 BROWN: Yes, they are fish that are returning to the hatchery.

150 REP. NORRIS: Do we have similar arrangements with other tribes?

152 BROWN: Statutorily, there is one other tribe which also receives 300 pounds. In addition, there is a Congressional agreement with the Siletz tribe. There is also a fish management plan which provides surplus fish to some Columbia River treaty tribes.

162 REP. NORRIS: Are these substantial amounts of fish?

165 BROWN: It works a bit differently for the Columbia tribes. If the tribes are capable of harvesting their share of the fish through normal commercial fishery channels, they don't receive anything. This is an

offset for the years in which they don't harvest a specific amount.

169 REP. VanLEEuwEN: Basically, 1,000 pounds would be 100 fish. Is the fish given once a year per tribe?

176 BROWN: That's correct.

187 REP. FISHER: Are these fish sold to the highest bidder?

190 BROWN: Under current practices, these fish are sold to the highest bidder by the hatchery. We try to maximize the amount of money the

state receives for those fish.

200 CHAIR BAUM: Is there another statute which gives this option to Umatilla?

205 BROWN: Statutorily, there are two groups of tribes which receive 300 pounds of fish each year.

215 REP. REPINE: Since the number of people in tribes is growing, shouldn't we treat this the same way we would treat inflation?

216 CHAIR BAUM: The statute was amended in 1981 and 1987. 222

BROWN: It was 200 pounds before 1987. The amount was increased to 300 pounds in 1987.

232 CHAIR BAUM: OPENS WORK SESSION ON HB 3286

235 REP. LUKE: Do they want the additional fish for ceremonial purposes, or do they have intentions of selling the fish?

239 CHAIR BAUM: The bill refers to the ceremonies the fish must be used for.

246 WREREAT: These salmon are for ceremonial purposes, and are for dinners which we hold throughout the year for tribal purposes and dignitaries.

Most of the salmon is used for ceremonies in August. The 200 and 300 pounds was never really adequate, but we thought it was the best we could do. As I testified earlier, last year's realization that the fish are being sold for \$2 per pound precipitated HB 3286. We should have

the first right of rejection of buying these fish at that low price.

264 CHAIR BAUM: So you would be willing to pay \$2 per pound for any poundage over 300?

265 WREREAT: Yes.

256 REP. REPINE: You seem to use most of your allocation in August, but run short at other times. The bill says that historical traditional

ceremonies take place in August. If you're not using it for August ceremonies, you're in violation of the law.

279 WREREAT: Perhaps the wording should be changed. We are a salmon culture. When we have our dinners throughout the year, we like to have

salmon. If we can't have salmon gratis over the 300 pounds, then give us first right of rejection.

287 MOTION: REP. NORRIS: Moves to CHANGE "CEREMONY" to "CEREMONIES" on LINE 8 OF HB 3286 and DELETE THE REMAINDER OF THE SENTENCE.

292 CHAIR BAUM: Restates motion and calls for discussion.

297 REP. LUKE: ORS 496.221 states that they have to pay for the fish if they are used for other purposes.

307 REP. NORRIS: Withdraws motion.

322 CHAIR BAUM: We have the option of passing this out with a specific number of pounds; otherwise, we end up having to go through the statutes and change each reference regarding usage.

327 MOTION: REP. JOSI: Moves HB 3286 to the floor with a DO PASS RECOMMENDATION.

337 CHAIR BAUM: Restates motion and calls for discussion.

340 MOTION: REP. MARKHAM: Moves to AMEND HB 3286 by DELETING "in August of" on LINE 8 and DELETING "in July of on LINE 10.

345 CHAIR BAUM: Restates motion and calls for discussion.

346 REP. JOSI: Shall I withdraw my motion?

347 CHAIR BAUM: No, he can amend your motion with a friendly amendment.

346 Rep. Josi originally moved the bill as written. Rep. Markham has moved to amend the bill to delete from Line 8 "in August of" and delete from

Line 10 "in July of".

358 REP. DELL: The portion of the statute referred to by Rep. Luke not only states specific months in which these ceremonies should occur, but that violation of that would require payment for all fish. If we want to

provide the flexibility, we also need to amend the pertinent statutes.

374 CHAIR BAUM: I'm not sure Rep. Markham's amendment violates the statute. The state of Oregon is still only obligated to provide salmon once

during the year. However, now you can use them at any time throughout the year in any historical, traditional or cultural ceremony.

391 WREREAT: When we get the fish, we freeze them, since we get them during this time of year, and the ceremony isn't until August.

395 CHAIR BAUM: How many pounds of fish do you really need?

403 WREREAT: 1,000 pounds.

414 REP. LUKE: Why are we giving 1,000 pounds to one tribe and not the other?

422 WREREAT: We are a coastal salmon tribe, and salmon was very important for us. The Cow Creek Bank is up the river from us, and I can't speak

for them.

429 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE.

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018 REP. LUKE: ORS 496.206 requires that the tribe submit their request for salmon in writing "no later than 40 days prior to the ceremony." If

we've deleted reference to the ceremony, when should they submit their request?

026 REP. VanLEEUEWEN: If it's "no later than 40 days prior to the ceremony" maybe they can put their request in a number of days in advance.

028 CHAIR BAUM: I think it will be all right as is.

034 The motion CARRIES. REPS. TARNO AND WHITTY will lead discussion on the floor.

Additions to the record: HB 3286 Staff Measure Summary and Fiscal Analysis (EXHIBIT B)

CLOSES WORK SESSION ON HB 3286

OPENS WORK SESSION ON HB 2126

069 FITCH: House Bill 2126 increases various license and tag fees. I believe the Department of Fish and Wildlife's budget contains these

anticipated increases.

093 CHAIR BAUM: The department's budget will be heard in the Appropriations Committee today at 3:30.

095 RANDY FISHER, Director, Oregon Department of Fish and Wildlife: Presents written testimony (EXHIBIT C) in support of HB 2126.

154 REP. VanLEEUWEN: Is the biggest fee increase for non-residents?

163 FISHER: That is correct.

165 REP. MARKHAM: But the big money comes from an annual resident license?

166 FISHER: That is correct.

167 REP. MARKHAM: How much was the increase one year ago?

169 FISHER: The Restoration and Enhancement surcharge was \$2. It was designed to split the fee, with half going to the hatchery system and

half for stream restoration and other projects.

168 FRANK WARRENS, Member of the Pacific Fishery Management Council; Charterboat Operator: Presents written testimony (EXHIBIT D) in support of HB 2126.

212 REP. REPINE: Why was there a change from a 10-day license to a 7-day license?

217 FISHER: We tried to design licenses to be easier for buyers, and a 7-day license made more sense than a 10-day license. It includes the

tag privilege, which used to have to be purchased separately.

242 MOTION: REP. JOSI: Moves HB 2126 to the floor with a DO PASS RECOMMENDATION with a SUBSEQUENT REFERRAL to the APPROPRIATIONS COMMITTEE.

259 CHAIR BAUM: Restates motion and calls for discussion.

279 REP. DOMINY: For the record, I'm glad to see this passing.

284 REP. JOSI: As Chair of the Coastal Caucus, our caucus's primary concern with the wild fish policy was the commercial and sports fishing industry would be hurt. When the ODFW funds are cut, the hatcheries go first.

This bill is very important for the short-term viability of the sports and commercial fishing industry.

311 REP. FISHER: I'm concerned about giving more benefits to non-residents with the addition of the tag privilege for 7-day licenses.

318 KAY BROWN, Oregon Department of Fish and Wildlife: The daily license is available to both residents and non-residents.

334 REP. FISHER: Don't they get three tags now instead of one with the new 7-day non-resident license?

347 BROWN: That's true.

351 CHAIR BAUM: Residents have licenses for the entire season, whereas non-residents can only fish for 7 days.

370 BROWN: We chose to combine the tag with the 7-day license because there is a tag privilege on all other daily licenses. Many people had been

confused between the additional tag requirements for 10-day licenses.

389 VOTE: REPS. DELL, DOMINY, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. FISHER votes NO.

REP. HOSTICKA is EXCUSED.

400 CHAIR BAUM: The motion CARRIES.

Additions to the record: HB 2126 Fiscal Analysis and Revenue Impact Analysis (EXHIBIT E)

CLOSES WORK SESSION ON HB 2126

OPENS WORK SESSION ON HB 3353

410 CHAIR BAUM: The -11 amendments make HB 3353 a "gut and stuff" bill.

434 KATHRYN VAN NATTA, Committee Administrator: House Bill 3353 has been in the Environment and Energy Subcommittee, where a series of amendments

have been considered. We are now up to the -11 amendments (EXHIBIT F),

which refer the issue of self-service gasoline to certain counties in

eastern Oregon. Rep. Norris has just distributed to the committee

statistics from the Oregon Department of Energy regarding the change in the number of gasoline stations in Oregon on a county-by-county basis

(EXHIBIT G).

TAPE 51, SIDE B

017 REP. NORRIS: There was insufficient support to get it out of committee with a total-statewide-vote provision. The -11 amendments would permit

the governing bodies of specific counties east of the Cascade Mountains to determine whether they would refer it to a vote within that county.

The only difference between this and the -10 amendments was the addition of Hood River County.

029 MOTION: REP.NORRIS: Moves the HB 3353-11 AMENDMENTS (LC 273 8), dated 6-17-93, to HB 3353.

030 CHAIR BAUM: Restates motion and calls for discussion.

032 REP. LUKE: Will this open up cardlocks to the general public in areas where there are no service stations?

034 REP. NORRIS: Yes.

035 REP. LUKE: Beginning on Page 1, Line 24, of the -11 amendments, it states that upon request of a disabled motorist, an attendant must

dispense the fuel. Does that mean there must be a cardlock attendant 24 hours a day to serve the handicapped?

038 REP. NORRIS: It is not my intent that it be done on a 24-hour basis.

042 REP. LUKE: Is it your intent to have an attendant at a cardlock at any time to help handicapped people?

043 REP. NORRIS: We still have some negotiation to do with the Disabilities Commission.

046 REP. VanLEEUEWEN: How practical would the cardlock system be for all drivers?

050 REP. NORRIS: Their card would entitle them to use only a specific station within their community.

065 CHAIR BAUM: We would have to decide what happens to existing cardlock facilities. What is the intent of this legislation regarding those

facilities?

068 REP. NORRIS: To open them up to retail without the current restrictions.

070 CHAIR BAUM: What will happen to services for the disabled?

073 REP. NORRIS: If we were forced to provide services for the disabled 24 hours per day, it would defeat the purpose.

075 LARRY HILL, Oregon Gasoline Dealers Association: Lines 20 through 23 of the first page of the -11 amendments contain the answer to that

question. It states that "When an owner, operator or employer of a facility...is on the premises" then they shall, upon request, provide



attended service. Typically, a cardlock will not have someone on the premises.

098 REP. PETERSON: Is it possible that within a fairly large radius, there will be only cardlocks with no attendents?

101 HILL: Yes. 102 REP. PETERSON: So may I assume that disabled or elderly people will have to either take a friend with them or drive a great distance to

obtain gas?

104 HILL: Currently they're denied access to cardlock unless they're a member of cardlock. They can only gain access to cardlock if they are a commercial account.

108 REP. PETERSON: Do you see new stations opening due to this bill?

110 HILL: This bill will more likely prevent existing stations from closing. It's more likely to provide access to fuel from existing

stations during more hours.

122 REP. NORRIS: More new stations have the technology to adapt to self-service.

127 HILL: There are dealers who will continue to provide attended service because that's what their customer expects. By allowing self-service in these counties, we'll learn a lot more about how self-service will work in Oregon.

137 REP. DOMINY: If this passes, wouldn't stations install credit cards so there would be no need for labor? Why would there be incentive to do

anything else?

144 HILL: If there was a market for mechanical service, a station would have labor onsite. If a local community expects attended service, they

would not go to a self-service station. This will be driven by local economics and community expectations.

164 REP. DELL: What kind of legal arguments would you use to justify this?

169 HILL: I don't think it's a violation of equal protections, but a form of retailing. Counties do have options of controlling commercial

transactions. Allowing counties to have options typically does not violate equal protections.

187 REP. DELL: It doesn't bother you that this is an economic argument as opposed to a safety argument?

190 HILL: It allows local citizens to choose whether they put safety first or whether other interests, such as access to fuel, come to the

forefront.

197 REP. NORRIS: I think the safety issue has been pretty well shelved.

198 REP. DELL: I agree, but we still use the statutory basis to not allow self-service in Oregon.

204 CHAIR BAUM: Do we deal with any of that language in this amendment?

205 HILL: The bill requires that facilities meet safety requirements, which must still comply with the rules of the State Fire Marshal.

218 CHAIR BAUM: Whether we like it or not, the counties affected by HB 335 3 have been supportive of self-service. This provides additional gasoline service they would not otherwise have. 235 CHAIR BAUM: Hearing no objection to the -11 amendments, the motion CARRIES.

245 MOTION: REP. NORRIS: Moves HB 3353 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE HB 3353-11 AMENDMENTS (LC

2738), dated 6-17-93.

247 CHAIR BAUM: Restates motion and calls for discussion.

250 VOTE: REPS. DELL, FISHER, JOSI, LUKE, NORRIS, PETERSON, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. DOMINY, HOSTICKA, MARKHAM and REPINE

vote NO.

263 REP. DOMINY: Serves notice of a possible Minority Report.

265 CHAIR BAUM: The motion CARRIES. REP. NORRIS will lead discussion on the floor. Notice of a Minority Report is duly noted.

269 REP. HOSTICKA: Serves notice of a possible Minority Report.

271 CHAIR BAUM: CLOSSES WORK SESSION ON HB 3353

OPENS WORK SESSION ON HB 2595

279 VAN NATTA: House Bill 2595 was previously in the Environment and Energy Subcommittee. It deals with land use and land use appeals. When it was

in subcommittee, the -1 amendments were adopted with conceptual amendments.

Today we have the -2 amendments (EXHIBIT H), which incorporate both amendments. The -2 amendments raise the filing fee at the Land Use

Board of Appeals (LUBA) from \$50 to \$750 except for state agencies, cities, counties and special districts, and mandates that LUBA will identify specific deficiencies which lead to LUBA remands. Also, it mandates that if LUBA has remanded a land-use decision, the petitioner must attempt mediation before LUBA must reconsider the issue, and mandates that in quasi-judicial hearings at the local government level, the applicant will speak last and have an opportunity to rebut evidence in the record.

337 The fiscal analysis shows that the increase in the filing fee would increase general revenues, but the precise amount has not been

determined. The higher fee is also anticipated to cause a decrease in the number of appeals filed.

370 REP. VanLEEUEWEN: What does this do to the small landowner who may not have the \$750 or be able to pay for mediation?

375 VAN NATTA: Mediation services are offered through the Department of Land Conservation and Development.

395 REP. VanLEEUEWEN: Is the \$750 paid initially and then again if remanded back?

400 GREG WOLF, Deputy Director, Department of Land Conservation and Development: In response to Rep. VanLeeuwen's first question, the

determination on whether mediation could occur or not would be decided fairly quickly. During subcommittee testimony, we discussed convening the parties, and having them discuss whether mediation was an option. That process will not be very expensive. We have a mediation fund in our proposed budget which would assist in paying for that.

423 In response to Rep. VanLeeuwen's second question, if someone chooses to appeal again, the \$750 fee would need to be paid again.

435 REP. PETERSON: Why was it decided that cities and counties would not pay the fee, but individuals would?

TAPE 52, SIDE B

012 WOLF: In our discussions with the sponsors of the bill, having to pay the fee would have resulted in fiscal impact to DLCD.

022 RICHARD ANGSTROM, Oregon Concrete and Aggregate Producers Association: Usually cities and counties do not appeal, but have their decisions

appealed. We felt the fee should be waived.

033 REP. PETERSON: I can see agencies justifying not paying the fee. However, the fee will discourage neighborhood groups and individuals

with little money from appealing. The fee seems fairly outrageous to me.

042 ANGSTROM: The LUBA annual budget is probably \$800,000 to \$900,000, and the money is all from the General Fund. There is not very much money to offset their costs, so this fee will help. The fee will also remove

from the system people who just want to delay the process.

062 REP. PETERSON: People can misuse any law. Raising the fee may "take out the bad people," but I feel it "takes out the good people" too.

Mine will be a "no" vote.

065 ANGSTROM: Most of the time, appeals are filed by neighborhood groups, and when you divide the cost by the number of people, it's an

insignificant amount per person.

071 REP. REPINE: Haven't they already raised the fee in the Portland area?

075 WOLF: The fees vary from jurisdiction to jurisdiction. Some have attempted to raise their appeal fees between levels of review, and the

fees can become very high.

087 JOHN CHANDLER, Staff Attorney for Common Ground; The Urban Land Council of Oregon; The Homebuilders Association of Metropolitan Portland: The

appeal fee in the city of Portland is one-half the application fee.

098 CHAIR BAUM: What's the highest?

100 CHANDLER: An environmental review, which is \$3,000.

098 CHAIR BAUM: What is the average cost of appealing a decision regarding the siting of an apartment development?

103 CHANDLER: Probably \$500 or less. In Portland, appeals by recognized neighborhood associations are not charged.

157 REP. DELL: What's the average cost of a LUBA appeal?

164 ANGSTROM: Our costs for a LUBA appeal are approximately \$50,000.

174 REP. VanLEEUEWEN: Who is sponsoring the -2 amendments?

183 ANGSTROM: The Oregon Concrete and Aggregate Producer's Association.

190 MOTION: REP. LUKE: Moves the HB 2595-2 AMENDMENTS (LC 1481), dated 6-15-93 to HB 2595.

191 CHAIR BAUM: Restates motion and calls for discussion.

192 MOTION: REP. PETERSON: Moves to AMEND the HB 2595-2 AMENDMENTS (LC 1481), dated 6-15-93 on Page 3, Line 9 from \$750 to \$200.

214 CHAIR BAUM: Restates motion and calls for discussion.

215 REP. LUKE: I was happy with the original fee of \$1,250. We negotiated the \$750 fee, which was a compromise.

218 REP. DOMINY: I'm not ready to change the \$750 fee.

221 REP. VanLEEUEWEN: In subcommittee, did you approve the bill, or did you approve these -2 amendments in concept?

224 CHAIR BAUM: They approved the -1 amendments, which were amended and become the -2 amendments, which have been approved in concept by the

subcommittee.

230 We're amending the amendments before we adopt them.

248 VOTE: REPS. HOSTICKA and PETERSON vote AYE. REPS. DELL, DOMINY, FISHER, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote NO. REP. JOSI is EXCUSED.

257 CHAIR BAUM: The motion FAILS.

270 Do we have a subsequent referral to Appropriations on this bill?

271 VAN NATTA: No, we do not.

272 CHAIR BAUM: Am I correct in assuming that LUBA's budget is still in the Appropriations A Committee?

273 WOLF: Yes.

282 REP. LUKE: How long will it take to move it to the Senate? I've heard the Senate is already shutting down some of their committees.

285 CHAIR BAUM: The Senate plans to do that by the end of this week. If we passed this bill out to the floor today, it probably would not get to

the House floor until early next week. However, according to Senate chairs, they still have the discretion to hear bills if they feel they are important. If it goes to Appropriations, it has a chance of being added to the budget.

319 REP. HOSTICKA: This fee is not a budgetary issue, but a deterrence issue. The fee was not added to help LUBA with its budget, but to

reduce the number of appeals and affect people's behavior. I don't view this as something the Appropriations Committee should control. This isn't a budgetary question, but a question of public policy.

331 CHAIR BAUM: Some of those public policy questions end up in Appropriations for dollar reasons.

356 Are there any objections to moving the -2 amendments to the bill? Hearing none, the motion CARRIES.

358 MOTION: REP. VanLEEUEWEN: Moves HB 2595 to the floor AS AMENDED BY THE -2 AMENDMENTS (LC 1481), dated 6-15-93 with a SUBSEQUENT REFERRAL to the APPROPRIATIONS COMMITTEE.

374 CHAIR BAUM: Restates motion and calls for discussion

375 VOTE: REPS. DELL, DOMINY, FISHER, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. PETERSON votes NO.

REP. HOSTICKA is EXCUSED.

391 CHAIR BAUM: The motion CARRIES.

Additions to the record: HB 2595 Staff Measure Summary, Revenue Impact Analysis, and Fiscal

Analysis (EXHIBIT I)

395 CLOSES WORK SESSION ON HB 2595

OPENS WORK SESSION ON HB 2734

400 VAN NATTA: In its original form, HB 2734 is a right-to-forest measure, and has previously been in public hearing in the Environment and Energy Subcommittee. The -1 amendments (EXHIBIT J) are patterned after

Washington law regarding forest landowner liability, which I have included a copy of (EXHIBIT K).

019 REP. MARKHAM: Testifies in support of HB 2734. Describes lawsuit in which smoke damage was deemed "trespass."

039 REP. HOSTICKA: Since Sections 1 and 2 of the bill are already contained in another bill passed by the House, would you approve of deleting those two sections and replacing them with Sections 3 and 4 in the -1

amendments?

044 REP. MARKHAM: If the other bill does not survive, I think this is a good bill as is, and should be put into law.

047 RAY WILKESON, Oregon Forest Industries Council: Testifies in support of HB 2734. A number of our members are planning major stream restoration

projects, and would like to do more of that as we identify streams in which habitat is in poor condition. Our members are not willing to do these projects if the threat of liability is hanging over their heads.

071 REP. JOSI: In terms of salmon habitat restoration, instream habitat improvements are the way to go. It makes sense to do this while heavy

equipment is already there for a logging operation.

109 MOTION: REP. REPINE: Moves the HB 2734-1 AMENDMENTS (LC 184 0), dated 3-17-93, to HB 2734.

111 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

113 MOTION: REP. HOSTICKA: Moves to DELETE SECTIONS 1 and 2 of HB 273 4.

115 CHAIR BAUM: Restates motion and calls for discussion.

120 REP. HOSTICKA: I like the amendments, and think it's a good idea to encourage people to relieve them of liability when improving the

riparian zone and fish habitat. Since we've addressed the issues in Sections 1 and 2 in another bill, I don't think we ought to move forward with that portion.

128 REP. VanLEEUEWEN: I'm more comfortable with leaving the rest of the bill in, especially the references to other statutes.

131 REP. FISHER: I am also.

133 REP. MARKHAM: I recommend that we don't adopt Rep. Hosticka's motion, because we have to clarify "trespass."

139 REP. HOSTICKA: We addressed the right-to-forest issue in HB 366 1. We're confusing the issue by passing two right-to-forest bills.

144 REP. DOMINY: I am opposed to the motion also, since we have no assurance that HB 3661 will become law in its current form.

156 REP. JOSI: I voted against HB 3661 for a number of reasons, but one of the things I liked about it were the right-to-farm/forest provisions.

Given that the bill may not survive, I am also opposed to the motion.

161 REP. HOSTICKA: I withdraw my motion.

166 CHAIR BAUM: Do we want legislative counsel to put the right-to-farm/forest language from HB 3661 into its own bill?

173 REP. HOSTICKA: I approve of the amendments, but I don't want to buy wholesale a right-to-forest bill.

179 CHAIR BAUM: Do you want this bill moved as is, or with the amendment?

181 WILKESON: It would be presumptuous to tell you. We support additional right to practice forestry legislation, and strongly support the

amendments which have been adopted.

215 VOTE: REP. DOMINY, FISHER, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. HOSTICKA votes NO.

REP. DELL is EXCUSED.

225 CHAIR BAUM: The motion CARRIES. REP. MARKHAM will lead discussion on the floor.

CLOSES WORK SESSION ON HB 2734

OPENS WORK SESSION ON HB 3092

231 FITCH: House Bill 3092 would amend current statute which allows the state to reimburse districts who provide services within state parks.

271 MOTION: REP. DOMINY: Moves the HB 3092-1 AMENDMENTS (LC 2908), dated 3-1-93, to HB 3092.

273 CHAIR BAUM: Restates motion and calls for discussion.

276 REP. LUKE: During testimony, it seemed that the representatives from State Parks did not want to cooperate with local jurisdictions in their area.

286 CHAIR BAUM: Hearing no objection to the motion, the motion CARRIES.

288 MOTION: REP. DOMINY: Moves HB 3092 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE HB 3092-1 AMENDMENTS (LC

2908), dated 3-1-93.

288 CHAIR BAUM: Restates motion and calls for discussion.

300 VOTE: REPS. DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. DELL is

EXCUSED. 307 CHAIR BAUM: The motion CARRIES. REP. WALDEN will lead discussion on the floor.

Additions to the record: HB 3092 Staff Measure Summary, Fiscal Analysis and Revenue Impact



Analysis (EXHIBIT L) HB 3092 Hand-Engrossed with HB 3092-1 Amendments (LC 2908), dated

3-1-93 (EXHIBIT M)

CLOSES WORK SESSION ON HB 3092

OPENS WORK SESSION ON HB 3502

313 VAN NATTA: House Bill 3502 comes from the Environment and Energy Subcommittee with a 7 - 0 vote. The -1 amendments (EXHIBIT N) were

worked on conceptually by the subcommittee. The bill pertains to wetlands and actions by state and local governments.

360 MOTION: REP. DOMINY: Moves the HB 3502-1 AMENDMENTS (LC 980), dated 6-18-93 to HB 3502.

367 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

372 MOTION: REP. DOMINY: Moves HB 3502 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE HB 3502-1 AMENDMENTS (LC

980), dated 6-18-93.

373 CHAIR BAUM: Restates motion and calls for discussion.

373 REP. VanLEEUEWEN: What definition is the department using for significant wetlands?

392 VAN NATTA: House Bill 3328, which was passed earlier, called upon the Division of State Lands to use a specific definition of wetlands, as

defined by a 1987 federal manual.

040 JANE ARD, Special Assistant, Division of State Lands: House Bill 3328 directs the department to use the 1987 manual, which is also being used by the Environmental Protection Agency.

056 VAN NATTA: That bill passed the Senate on June 7, with a vote of 30 - 0.

087 VOTE: REPS. DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. DELL is

EXCUSED.

102 CHAIR BAUM: The motion CARRIES. REP. DELL will lead discussion on the floor.

Addition to the record: HB 3502 Staff Measure Summary (EXHIBIT O)

105 CLOSES WORK SESSION ON HB 3502

OPENS WORK SESSION ON HB 3273

106 FITCH: House Bill 3273 was significantly amended by the Water Subcommittee. Because the amendments were just delivered this morning,

we don't yet have all the paperwork on them.

111 CHAIR BAUM: CLOSSES WORK SESSION ON HB 3273

Recesses meeting at 4:02, to reconvene at 6:00 p.m.

Submitted by:

Reviewed by:

Karen McCormac  
Committee Administrator

Kathryn Van Natta Committee Assistant

EXHIBIT LOG:

A - HB 3286 Testimony - Kay Brown - 2 pages B - HB 3286 Staff Measure Summary and Fiscal Analysis - Staff - 2 pages C - HB 2126 Testimony - Randy Fisher - 4 pages D - HB 2126 Testimony - Frank Warrens - 2 pages E - HB 2126 Fiscal Analysis and Revenue Impact Analysis - Staff - 3 pages F - Proposed -11 Amendments to HB 3353 (LC 2738), 6-17-93 - Staff - 7 pages G - HB 3353 Informational Material - Rep. Norris - 3 pages H - Proposed -2 Amendments to HB 2595 (LC 1481), 6-15-93 - Staff - 11 pages I - HB 2595 Staff Measure Summary, Revenue Impact Analysis and Fiscal Analysis - Staff - 3 pages J - Proposed -1 Amendments to HB 2734 (LC 1840), 3-17-93 - Staff - 1 page K - HB 2734 Informational Material - Staff - 1 page L - HB 3097 Staff Measure Summary, Fiscal Analysis and Revenue Impact Analysis - Staff - 3 pages M - HB 3092 Hand-Engrossed with HB 3092-1 Amendments (LC 2908), 3-1-93 -Staff - 2 pages N - Proposed -1 Amendments to HB 3502 (LC 980), 6-18-93 - Staff - 2 pages O - HB 3502 Staff Measure Summary - Staff - 1 page