

HOUSE COMMITTEE ON NATURAL RESOURCES

July 7, 1993 Hearing Room 343 2:15 p.m. Tapes 93 - 94

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 Sue Nichol, Committee Clerk

MEASURES CONSIDERED: SB 42 - A Engrossed - Work Session HB
3453 - Public Hearing and Work Session SB 129 - Work Session HB 3450 -
Work Session

WITNESSES: Martha Pagel, Water Resources Department Kip
Lombard, Oregon Water Resources Congress Ted Hughes, Associated Business
for Legislative Action Susan Browning, Acting State Fire Marshal Jim
Craven, American Electronics Association Jim Crawford, Acting
Fire Marshal for the City of Portland

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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 ---]

TAPE 93, SIDE A

005 CHAIR BAUM: Calls the meeting to order at 2:22.

WORK SESSION ON SB 42

025 KATHRYN VAN NATTA, Committee Administrator: SB 42 had
conflict amendments. The -A4 amendments correct the conflicts with
other bills

passed this session (Exhibit A).

044 MOTION: REP. JOSI: Moves to suspend the rules so the vote on
SB 42 can be reconsidered.

049 CHAIR BAUM: Restates motion.

050 VOTE: CHAIR BAUM: Hearing no objections, the MOTION
CARRIES.

052 MOTION: REP. JOSI: Moves to reconsider the vote on SB 42.

053 VOTE: CHAIR BAUM: Hearing no objections, the MOTION
CARRIES.

054 MOTION: REP. JOSI: Moves the -A4 amendments to SB 42.

055 CHAIR BAUM: Restates motion.

056 VOTE: CHAIR BAUM: Hearing no objections, the AMENDMENTS are ADOPTED.

060 MOTION: REP. JOSI: Moves SB 42, AS AMENDED, to the floor with a DO PASS recommendation.

061 CHAIR BAUM: Restates motion.

064 VOTE: On a roll call vote, all members are present and vote AYE.

071 CHAIR BAUM: The motion CARRIES.

072 CHAIR BAUM will carry the bill.

074 Closes work session on SB 42.

WORK SESSION ON SB 129

074 CATHERINE FITCH: This bill cannot be heard yet because of the public meeting law notice stipulation on the agenda.

078 CHAIR BAUM: Closes work session on SB 129.

PUBLIC HEARING ON HB 3453

080 FITCH: HB 3453 allows Water Resources Commission to accept applications for additional uses of water not otherwise allowed in an applicable

basin program. Amendments have been proposed to clarify what the bill does (Exhibit B).

100 MARTHA PAGEL, Water Resources Department: The amendments are to address the concerns of Rep. Jones.

115 Explains the amendments which would insure that the provisions of the bill apply only to out-of-stream uses. They would address the concern

Rep. Jones had concerning wetlands. Amendments adopted conceptually were not included in the A engrossed version and need to be included here.

145 REP. VanLEEuwEN: Has HB 2970, which allowed water use for road maintenance, gone through?

152 REP. NORRIS: Yes.

157 FITCH: HB 2970 would not be affected by HB 3453.

160 REP. VanLEEuwEN: Would what we did in HB 3453 fit under this bill?

166 REP. NORRIS: That would be a different issue.

WORK SESSION ON HB 3453

172 REP. NORRIS: I thought an amendment was being considered to exclude state agencies from those eligible to apply under this, but I don't see that in these amendments?

173 PAGEL: The real concern was that of instream water rights.

181 MOTION: REP. JOSI: Moves the proposed amendments to HB 3453.

185 CHAIR BAUM: Restates motion.

188 VOTE: CHAIR BAUM: Hearing no objections, the AMENDMENTS are ADOPTED.

190 MOTION: REP. MARKHAM: Moves HB 3453, AS AMENDED, to the floor with a DO PASS recommendation.

192 CHAIR BAUM: Restates motion.

193 VOTE: On a roll call vote, all members are present and vote AYE.

213 CHAIR BAUM: Recesses meeting at 2:35 until 3:25.

214 CHAIR BAUM: Brings meeting back to order at 3:31

WORK SESSION ON SB 129

223 FITCH: The amendments proposed would replace the original language of SB 129. The amendments contain provisions from HB 2580 which would

extend existing regulations about the one-time filing of maps for irrigation districts. It extended that privilege to drainage districts and extended the time deadline for it.

245 KIP LOMBARD, Oregon Water Resources Congress: Reads and expounds on written testimony explaining suggested amendments (Exhibit C).

356 The amendments do not contain the preamble to the bill as my written testimony states.

TAPE 94, SIDE A 005 PAGEL: The Department had previously supported the principles in HB 3111 which passed in a previous session. Testifies in support of SB 129 with the amendments.

028 LOMBARD: There would not be a significant, if any, fiscal impact.

037 PAGEL: We have not filed a fiscal impact. We agree that the extension of the timelines helps us deal with this program from a management

standpoint.

038 REP. NORRIS: Would the absence of SB 129 in its original form cause problems?

046 PAGEL: The underlying purpose for SB 129 still exists. After testimony we accepted that this was not the time to move forward with SB 129 in

its original form.

047 CHAIR BAUM: Has that been communicated to the Senate?

051 LOMBARD: We have communicated this to Sen. Cooley and Sen. Kintigh. We haven't spoken to Sen. Dwyer.

061 CHAIR BAUM: It's important to do that if you're willing.

064 REP. DELL: Can you be more specific about how the change in timing of your second notice is more in line with the Administrative Procedures

Act?

067 LOMBARD: The proposed order of the Administrative Procedures Act parallels the provisions of SB 129.

081 REP. DELL: What are the time periods to respond to the proposed order?

084 LOMBARD: They run from the date that the second notice is given.

090 MOTION: REP. NORRIS: Moves the conceptual amendments to SB 129 as presented by the Oregon Water Resources Congress under a cover memo

dated July 7, 1993.

098 CHAIR BAUM: Restates motion.

100 REP. HOSTICKA: Would anyone who testified on HB 2580 want to offer any comments?

106 VOTE: CHAIR BAUM: Hearing no objections the AMENDMENTS are ADOPTED.

108 MOTION: REP. NORRIS: Moves SB 129, as conceptually amended, to the floor with a DO PASS recommendation.

110 CHAIR BAUM: Restates motion.

115 VOTE: On a roll call vote, all members present vote AYE. REP. MARKHAM is EXCUSED.

125 CHAIR BAUM: The motion CARRIES. 129 REP. NORRIS will carry the bill.

130 CHAIR BAUM: Closes work session on SB 129.

WORK SESSION ON HB 3450

133 VAN NATTA: Amendments are proposed that would replace the original bill (Exhibit D).

180 CHAIR BAUM: Who is the Associated Businesses for Legislative Action?

188 TED HUGHES, Associated Business for Legislative Action: It's a group of paint and chemical manufacturers and distributors who have gathered

together for political reasons.

207 The amendments to the bill create a local program review committee consisting of five members appointed by the fire marshal. It requires

that the fire marshal adopt a rule setting forth standards and criteria that local governments must use if they are going to institute a supplemental hazardous materials fee. The amendments also create an interim committee to look at the hazardous fee situation and how they are assessed.

250 REP. JOSI: What happens if the Fire Marshal identifies a program as duplication?

252 HUGHES: I believe that would be grounds to turn that program down.

263 REP. JOSI: What if it's found supplemental, but unnecessary by the Fire Marshal?

255 HUGHES: Does not think the fire marshal has that authority to reject the program.

260 REP. JOSI: The purpose is to stop the process that is getting out of hand, right?

265 HUGHES: It brings some order to the process; it doesn't stop it. A lot of local governments thought they were the only ones who knew what

programs were necessary. We do not want to preclude them.

275 REP. JOSI: So if the program is supplemental, duplicative and unnecessary, this bill allows the fire marshall to point it out but it

would not stop them from doing it and charging fees for it?

280 HUGHES: Yes, it is not a prohibition.

283 SUSAN BROWNING, Acting State Fire Marshal: Addresses the -1 amendments. Revenue is to be used to supplement, not duplicate programs. Mr. Hughes is trying to develop a structure to set some criteria and a method to

evaluate requests.

307 REP. JOSI: If the supplemental program did not have merit, it would not fall under the community's "right to know" program?

314 BROWNING: The intent of this was to allow the local governments to collect additional data that the state may not.

321 REP. DELL: Seeks clarification of the process.

349 BROWNING: It may be more applicable to say the local program review committee could recommend to the state fire marshal not to approve a

local program.

356 REP. DELL: I'm not trying to do away with the local committee; however, the local committee has the final say. There doesn't seem to be any

direction in how this committee will make decisions.

370 HUGHES: It was my intention to make it an advisory committee.

377 BROWNING: We were talking about an advisory committee.

379 JIM CRAVEN, American Electronics Association: The amendments provide further clarification of tightening down of local government. Proposes

amendments to make the committee an advisory committee. Line 17, Page 1, of the amendments would read "the local program review committee

shall review programs proposed by local governments to insure compliance with all requirements established by rule by the state fire marshal..." That would clarify that this is an advisory committee only.

TAPE 93, SIDE B

030 Line 24, Page 4 would also be changed to read "The program proposed by the local government under this section has been approved by the state

fire marshal after review by the local program review committee."

045 REP. LUKE: Are there districts that can handle the initial programs better than the fire marshal can and at a cheaper cost?

049 BROWNING: The issue that comes up is the reporting requirement. The local governments would not be able to take the state reporting

requirement.

057 REP. LUKE: Would there be any other programs involved in this?

059 BROWNING: The City of Portland has a program that is collecting information on this; but it is designed to be supplemental.

080 REP. DELL: Is there any other way to deal with this problem?

088 HUGHES: The fear of business is that the state fire marshal will approve any program deemed by the local government as supplement because they don't have any process to review it. A review committee would

help.

104 REP. DOMINY: Does the Governor support adding this commission?

105 BROWNING: We haven't heard anything from the Governor's office about this issue.

129 CRAVEN: Also proposes amendment to Section 2, Line 10 to increase the number of industry people on the committee to three members.

158 REP. PETERSON: Do you feel this is an important bill?

161 CRAVEN: We were opposed to the original bill. We would not have a problem with the amendments with the changes we've brought forward. We

do not feel there is a huge problem with this issue. We would not oppose the bill with thee changes we've suggested.

183 JIM CRAWFORD, Acting Fire Marshal for the City of Portland: Believes the bill is not necessary.

211 CHAIR BAUM: Closes work session on HB 3450.

222 Meeting is adjourned at 4:28.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Kathryn Van Natta Clerk

EXHIBIT LOG:

A - SB 42 - SB 42-A4 Amendments - Staff - 9 pages B - HB 3453
- Proposed Amendments by Water Resources Department - Staff - 1
page C - SB 129 - Testimony and proposed amendments - Kip
Lombard - 11 pages D - HB 3450 - HB 3450-1 Amendments - Staff - 5
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