

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: July 22, 1993 TAPES: 251 - 255 PLACE: Hearing Room C  
TIME: 5:00 PM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn,  
Vice-Chair Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker  
Senator Gordon Smith Senator Shirley Gold

WITNESSES: Senator Neil Bryant Richard Benner, DLCD John  
Chandler, Home Builders' Association Dale Blanton, DLCD Ann Squier,  
Governor's Natural Resource Advisor Larry Hill,  
Lobbyist, NW Guide and Packers Assn. Martin Taylor, Staff  
for Senator Springer Fritz vonLubken, Orchard Owner Bruce Andrews, OR  
Dept. of Agriculture Kevin Birch, Dept. of Forestry Art Schlack,  
Association of Oregon Counties Roy Burns, Lane County Planning Director

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research  
Associate Kus Soumie, Clerk Sue Hanna, Legislative Counsel Staff

MEASURES HEARD: HB 3661A

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THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR  
SUMMARIZE STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN  
QUOTATION MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS  
OF THE PROCEEDINGS, PLEASE REFER TO THE TAPES.

TAPE 251 SIDE A

087 SENATOR RON CEASE, CHAIR: Calls meeting to order at 5:00 p.m.

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WORK SESSION ON HB 3661A

089 CHAIR CEASE: Giving overview of anticipated vote for proposed  
amendments to 3661A, and presents overview of EXHIBIT A (list of issues  
regarding

HB 3661).

150 SENATOR NEIL BRYANT, SENATE DISTRICT 27: Presenting testimony  
on HB 3661A, and referring to and responding to several issues in  
Exhibit A,

e.g. land development, county control of land development issues, and  
the Smith Case.

NOTE: Several committee members asking clarifying question of Senator  
Bryant throughout his testimony.

205 RICHARD BENNER, LAND CONSERVATION AND DEVELOPMENT COMMISSION:  
Explaining that, prior to the Smith Case in 1992, that it was generally  
interpreted that a non-farm dwelling could be approved on an existing  
parcel if it

met the test that is in the statute (215.283, sub 3) and that it was commonly understood and practiced that you could create a new parcel out of an existing larger parcel for a non-farm dwelling. The result of the Smith Case was that those opportunities were confined.

215 BRYANT: Continuing testimony on HB 3661A, and overview of specific issues in EXHIBIT A.

267 SENATOR JIM BUNN: Dick (Benner), do you have the information on the Smith Case in the form of the county by county breakdown that you had

used as background information.

277 BENNER: I've got it for 1992.

295 JOHN CHANDLER, STAFF ATTORNEY FOR COMMON GROUND (the Urban Land Council of Oregon) and the HOME BUILDERS ASSOCIATION OF METROPOLITAN PORTLAND: Presenting testimony regarding the Right to Develop (-67 amendments to HB 3661A).

- Explaining that the -67 amendments address issues inside the urban growth boundary.

- Giving background of the -67 amendments and how they came about.

- Explaining what HB 2261 (passed during the 1991 Session) did and how it changed some land use laws dealing with limited land use.

- Asking the committee to consider some amendments to the -67 amendments. Senate Committee on Agriculture & Natural Resources July 22, 1993 Page 3

404 CEASE AND COMMITTEE MEMBERS: Discussing that there isn't enough time to spend in dealing with all the issues of HB 3661 in much detail.

TAPE 252 SIDE A

005 CEASE AND COMMITTEE MEMBERS: Members agree not to spend time on Mr. Chandler's proposed amendments to the -67 amendments given the amount of work they feel they still have to do on HB 3661.

017 SENATOR GORDON SMITH AND CHANDLER: Discussing a constituent's suggestion of having a local appeals process instead of the ideas proposed in the

-67 amendments.

039 SENATOR BOB KINTIGH: Commenting on the need to remove impediments in the boundary decision process.

043 CEASE: There is a housekeeping part to this which was proposed in HB 2190. Is there any reference to that? (Asking Dale Blanton from LCDC to respond.)

051 DALE BLANTON, LAND CONSERVATION AND DEVELOPMENT COMMISSION: Responding that Sections 29 and 30 amend the subdivision law, and are provisions

that came out of HB 2190. Explaining what they do.

- Explaining the part of HB 3661 dealing with subdivisions.

096 CEASE: Instructing members to look at the -66 amendments at this time as well as the memo from the Association of Oregon Counties.

106 ART SCHLACK, ASSOCIATION OF OREGON COUNTIES: Introducing EXHIBIT B (memo from Association of Oregon Counties (AOC)).

- Presenting testimony on HB 3661A by stating that AOC has identified five areas where the land use statutes need to be amended to assist in defining the role of the Land Conservation and Development Commission, and to lower the tension in the relationship between state and local government in the statewide land use planning process.

- Reviewing the -66 amendments included in Exhibit B.

153 BENNER: Continuing testimony on HB 3661A, and overview of EXHIBIT B.

- Stating that an issue the counties plan on raising is the role of departments in the appeals of individual land use decisions. Senate Committee on Agriculture & Natural Resources July 22, 1993 Page 4

169 CHRIS WARNER, ADMINISTRATOR, SUBCOMMITTEE ON LAND USE: Stating that a copy of the -77 amendments are attached to Exhibit B, and that the -77 amendments are an addition to the -67 amendments.

175 SCHLACK: Continuing presentation - explaining the second item of issue in Exhibit B.

211 SENATOR BOB SHOEMAKER and Schlack: Discussing clarification on who would be members for the commission that would oversee enforcement procedures regarding land use.

220 SCHLACK: Continuing presentation - reviewing Exhibit B.

286 CEASE: Asking question regarding enforcement procedures.

288 SCHLACK: Responding that different scenarios are being investigated.

308 SHOEMAKER AND CEASE: Discussing whether detailed issues of the bill should be discussed given the limited time to review the bill (HB 3661).

335 CEASE AND SCHLACK: Discussing possibility of having one representative of the county and one representative of the city sit on the commission

in addition to the current seven members.

351 SMITH: Stating that he likes the -66 amendments.

358 CEASE: We will get to all of these proposals tonight.

362 SCHLACK: Continuing presentation - Overview of Exhibit B (referring to -77 amendments, line 19 through 22 on page 1).

393 BENNER: Stating that it might be better for the committee to hear from the Governor's natural resource advisor regarding the expansion of the

commission by adding two additional members as stated earlier.

- Explaining his views of the proposed amendments (referring to Exhibit B).

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TAPE 251, SIDE B

005 BENNER (continuing): Explaining views on contents of Exhibit B.

- Commenting on notice provision and question of continuation of review.  
- Commenting on review of LUBA decisions in a regular and formal way. - Explaining that the budget will be limiting in LCDC's capability to do any additional work.

033 CEASE: For the record, I think it's unfortunate that there's a connection between this bill and the budget. As the Chair of this

committee, I don't feel I'm responsible for what may happen to that budget; however, I do feel there's a need to recognize the connection.

My sense is that, as we proceed with the bill, the budget situation will improve.

040 SENATOR JOYCE COHEN: For the record, this connection happens only insofar as we allow it to happen, and I, for one, am unwilling to allow it to happen.

052 ANN SQUIER, GOVERNOR'S NATURAL RESOURCE ADVISOR: Presenting opinion regarding Exhibit B proposed amendments.

- Explaining that the reason for the commission is to give the statewide perspective to land use. - Explaining background on commission's function.

LOT OF RECORD - HB 3661A-71

146 WARNER: Introducing EXHIBIT C (chart regarding non-farm dwellings and new parcels). Reviewing information of proposed amendments (labeled -71 amendments but not offered for distribution at the time of the hearing)

198 BENNER: Presenting overview of proposed amendments (-71 amendments) relating to Lot of Record, and the process to recognize criteria for

dwellings on small lots.

262 KINTIGH: The problem with managing certain soils is the fact that soil type analysis and classifications are not correct.

275 BENNER AND KINTIGH: Discussing soil typing, analysis and classification.

315 ALL MEMBERS AND WARNER: Discussing the various amendments and where to find clarifying information within the amendments.

343 BUNN: Statement regarding clarification on the -72 amendments (not presented for the record).

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395 WARNER: Clarifying information in Sections 3 and 4 of the -71 amendments.

- Explaining dwellings authorized in forested areas (5,000 acres).

TAPE 252, SIDE B

005 WARNER: Continuing clarification of sections in -71 amendments.

010 BUNN, WARNER AND BENNER: Discussing clarification of some confusing language in -71 amendments regarding mixed farm/forest zone.

024 CEASE: Giving brief overview of issues in the -71 and -72 amendments.

020 SUE HANNA, LEGISLATIVE COUNSEL: Presenting testimony on -71 and -72 amendments to HB 3661 regarding clarifying information.

059 BENNER: Explaining process for management of tracts.

- Explaining about concentration levels of residences on tracts. - Explaining about reduction of tracts on backlands. - Explaining forest fire standards mandate that requires dwellings to be near roads.

087 CEASE: Clarifying statement regarding how new parcels in the Willamette Valley are affected by the tract management process.

091 KINTIGH: Stating that certain land use issues are "evil".

121 KEVIN BIRCH, DEPARTMENT OF FORESTRY: Presenting testimony on HB 366 1A, and some of the issues regarding Lot of Record.

- Stating that small units (parcels with dwellings) have problems generating and maintaining an income. - Explaining that a general "rule of thumb" is that 320 acres would be

considered a full time tree farmer, and that 160 acres would be considered a half time tree farmer.

140 BUNN AND BIRCH: Discussing preferred lot sizes for timber.

218 BUNN: Asking question regarding the 1,000 foot requirement exclusion in Eastern Oregon.

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226 BIRCH: Responding by explaining that the 1,000 foot requirement is for dwellings in the interface zone.

- Explaining that road densities are less on the west side than on the east side. - Explaining certain exclusions that apply at the 3,000 and the 5,000

foot levels.

270 CEASE AND BENNER: Discussing what issues are in regards to the different requirements depending on the different elevations.

300 KINTIGH: Making statements regarding that the 320 acre tracts being bought up by the timber companies, and that 1,500 feet is more

reasonable a requirement level than 1,000.

339 BIRCH AND KINTIGH: Discussing elevation levels.

390 BUNN, KINTIGH, BENNER AND BIRCH: Continuing discussion on elevation levels and parcel sizes.

TAPE 253, SIDE A

005 BUNN, CEASE, KINTIGH AND BIRCH: Discussing requirements regarding rural fire protection districts.

043 ROY BURNS, PLANNING DIRECTOR FOR LANE COUNTY: Explaining rural fire protection through a district or through a contractual arrangement.

- Explaining that, in some instances, individual households can arrange for contractual fire protection even in district where fire district do exist.

055 HANNA: Explaining that she would like to move information regarding the requirement of a sprinkling system (-71 amendments, page 5, line 27) to page 6, line 20, as she feels that when she drafted it, she simply mislocated it and did not intend for it to be placed where it is currently.

069 CEASE: Asking if there's any objection to moving the statement about sprinkling systems (in the -71 amendments) from page 5, line 27 to page 6, line 20.

MOTION: To move mislocated language in -71 amendments as explained by Sue Hanna.

VOTE: No objection.

ACTION: Motion carries. Senate Committee on Agriculture & Natural Resources July 22, 1993 Page 8

071 HANNA: On line 27, page 5 (-71 amendments), it should be 40% instead of 30 degrees.

077 BIRCH: Explaining that the difference has to do with how fast flames jump and how quickly a fire break can be made.

092 HANNA: Stating that page 6, lines 3 through 6 should be kept.

100 CEASE: Asking if anyone objects to Sue's (Hanna) recommendation to keep lines 3 through 6 on page 6.

MOTION: To keep lines 3 through 6 on page 6 (in -71 amendments).

VOTE: No objection.

ACTION: Motion carries.

104 HANNA: Stating that on page 6, line 10, "...suitable for fire protection..." is not the clear standard that is needed. The statement

"... of at least 4,000 gallons..." needs to be added as part of this sentence.

MOTION: Senator Cease makes motion to add the statement "...of at least 4,000 gallons..." to line 10 on page 6 of the -71 proposed amendments.

VOTE: No objection.

ACTION: Motion carries.

119 BUNN AND BENNER: Discussing definitions in the proposed -71 amendments such as a pasture is not considered a "crop" but hay is.

128 WARNER: Overview of -71 amendments continuing: section 7 (dealing with minimum lot sizes).

- Explaining a provision in the proposed amendments regarding counties be able to adopt a lower minimum lot size under certain circumstances.

138 BUNN: I think we need to make clear that the intent is not to change the way the current law is applied.

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144 BENNER: Responding that is correct. - Pointing out that this is only applying to the creation of new parcels.

177 BUNN: Clarifying that line 17, subsection 3 is deleted (-71 amendments).

183 HANNA: Reviewing page 17 (-71 amendments).

- Explaining that recommendations are just to make the new

language more clear and to avoid vagueness. - Stating that statements about dwellings need to be specific as

regarding new and existing parcels. - Referring and reviewing Exhibit C, and discussing issues in the Smith Case.

263 BENNER: Explaining that the Smith Case is based on working with the appropriateness of non-farm dwellings. Giving some examples of non-farm dwelling scenarios in the Willamette Valley.

326 SMITH: Asking if the "generally unsuitable" category is really needed to define land.

327 BENNER: Responding by giving examples of soil types on the east and west side of the mountains and explaining how they are used in classifying

land use.

347 ALL MEMBERS AND BENNER: Discussing soil classifying and how it affects land use.

TAPE 254, SIDE A

005 ALL MEMBERS AND BENNER: Discussion continuing - Smith Case and "suitability" land categories. Marginal Lands - HB 3661

024 CEASE: Why don't we start the marginal lands issue and see if the committee is alright with this. I think our earlier discussion on

marginal lands would be to say that we would continue to authorize

marginal lands for the two counties (Lane County and Washington County) that have it, and that we would permit them to come onto this system

but, once chosen to do so, they couldn't go back. And I think, in

talking to a couple of the Washington County people, that they were not opposed to taking the \$10,000 figure and moving that to \$20,000. Dick,

you comment on the dollar figure issue.

032 BENNER: Explaining that the Department's (DLCD) concern is not with the actual designation of marginal lands, it is the portion of the law which authorizes uses. Giving examples of how the language in the law could cause some land use oversights.

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062 HANNA: Explaining a change regarding a comma in sections that refer to a "living history museum.

070 BURNS: Commenting on the \$10,000 figure in the original marginal lands bill.

081 CEASE: Making motion regarding marginal lands.



MOTION: To retain the marginal lands for the two counties that have it (Lane and Washington); that they would be permitted to go into the new system if they chose; and we would not permit marginal lands in the statutes for other counties. Proposing to hold the dollar figure amount for now.

VOTE: No objection.

ACTION: Motion carries.

092 CEASE: Instructing committee to return to page 1 of the -71 amendments, and to take each issue one by one.

095 BUNN: Making motion on effective date.

MOTION: Move to accept a January 1, 1985, date as an effective date.

101 SHOEMAKER: Stating that committee should stick with the date of when the landowner should have known that the land was restricted from building. Explaining purpose for this proposal.

116 ALL MEMBERS: Discussing effective date.

126 CEASE: Let me say for the record, I think this is probably as good a compromise we're going to get. This is also the figure that was used in Marilyn Dell's proposal (referring to Representative Dell).

135 HANNA: Explaining why Representative Dell use the January 1, 1985, date in her Lot of Record proposal.

139 CEASE: Restating Senator Bunn's earlier motion regarding the effective date.

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MOTION: To accept the January 1, 1985, date as an effective date.

VOTE: 7 ayes; no objection.

ACTION: Motion carries.

149 BUNN: Explaining that the language that should have gone on page 1, line 18, is found on page 3, line 10. - Explaining that the concept was that ownership was acquired by that day and that it stayed in the same family.

155 HANNA: Explaining that this is correct and that "owner" includes the entire extended family, including grandchildren.

177 BUNN: Referring to page 3, line 21, regarding perennials and crops.

184 HANNA: Explaining what she did when drafting the language (definition of perennials in page 6, section 6, line 26).

199 BUNN AND BENNER: Discussing "specified perennials" and what Representative Dell did in her proposal.

220 CEASE: Stating that there will still be some drafting to do, and that, hopefully, there will be a final draft to vote on the following week.

235 BUNN: Making motion to specify that the minimum acreage (page 5 of -71 amendments) is 160 acres in Western Oregon and 320 acres in Eastern

Oregon.

MOTION: Minimum acreage to be 160 acres in Western Oregon and 320 acres in Eastern Oregon.

251 BUNN AND BENNER: Commenting on acre minimums regarding new and existing dwellings.

279 SQUIER: Commenting on the issue of ranges of impact and concern with the measure of threshold, and that she would like to see higher thresholds.

300 KINTIGH AND BENNER: Responding statement and comments on minimum lot sizes.

320 CEASE, BUNN, HANNA AND BENNER: Continuing discussion on minimum lot sizes.

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TAPE 253, SIDE B

015 BUNN: Restating motion made earlier by him.

MOTION: To allow minimum acreage to be 160 acres in Western Oregon and 320 acres in Eastern Oregon.

VOTE: 7 ayes; no objection.

ACTION: Motion carries.

021 ALL MEMBERS: Discussing where the committee is at on adopting changes in the -71 amendments.

038 BUNN: Proposing an amendment in the road section of the -71 amendments (section 4) that would replace the "1,000" with "1,500" feet in Western Oregon, and would remove the "1,000" feet requirement in Eastern Oregon.

045 HANNA: Explaining why the term "county road" needs to stay in the language and cannot be replaced by the term "public road" (as suggested by Senator Kintigh).

055 SQUIER: Adding additional comments on county/public roads.

MOTION: Senator Bunn make a motion to replace "1,000 feet" with "1,500 feet" in Western Oregon, and remove the "1,000 feet" requirement

altogether in Eastern Oregon (section 4, -71 amendments).

073 SHOEMAKER AND BUNN: Discussing road/feet requirements (addressing the motion).

083 SQUIER: Providing additional explanation of road/feet requirements.

100 CEASE: Restating motion for Senator Cohen.

099 COHEN: I need to have a better sense of what type of Eastern Oregon tract we're talking about.

115 BENNER: Responding to Senator Cohen's concern by explaining what types of tracts there are in Eastern Oregon that are different from those in

Western Oregon.

126 ALL MEMBERS, BENNER AND SQUIER: Continuing discussion of road/feet issue. Senate Committee on Agriculture & Natural Resources July 22, 1993 Page 13

178 CEASE: Asking Senator Bunn is he would agree to amend his motion to replacing the "1,000 feet" with "1,500 feet" in Western Oregon, and leaving Eastern Oregon as it is for now until the "1,000 feet" issue can be looked at more closely.

185 BUNN: Agreeing to amended motion.

MOTION: To replace "1,000 feet" with "1,500 feet" in Western Oregon, and leaving Eastern Oregon as it is for now until the "1,000 feet" issue can be looked at more closely.

VOTE: 4 ayes; 3 nays (Senators Cohen, Gold and Shoemaker voting "no").

ACTION: Motion Carries.

203 ALL MEMBERS: Discussing further the road issue.

226 BUNN: As I understand it, these are the changes to section 3 of the -71 amendments that we are now going to vote on: page 5, line 27, the "30

degrees" becomes "40%"; at the bottom of page 5, subparen D is eliminated, and; page 6, line 3, is to say that a rural dwelling must have fire protection either by a district or by a contract.

252 HANNA: Restating the section 5 amendments for clarification: deleting line 26 on page 5; in line 27 of page 5, changing "30 degrees" to "40%"; deleting line 31 on page 5; deleting lines 1 and 2 on page 6; on page 6, line 10, delete "...and suitable for protection..." and insert "...at least 4,000 gallons..."; page 6, line 20, after "...include..." insert "...fire protection sprinklers...".

273 BUNN: Stating motion discussed earlier in section 3 (this is picking up language from the -58 amendments): "The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement of agreement from the Soil Conservation Service that the soil class, soil rating or other soil designation should be adjusted based on new information."

MOTION: Senator Bunn making motion regarding soil classifications (as stated above).

VOTE: No objection.

ACTION: Motion carries.

282 BUNN: Stating motion regarding -71 amendments, page 6, line 30: add that "pasture" is not considered a perennial crop. Senate Committee on Agriculture & Natural Resources July 22, 1993 Page 14

290 ALL MEMBERS: Discussing excluding "pasture" as a crop. - Discussing Tillamook County and its pastures.

365 - All members agreeing to put the "pasture" issue on the list for further review.

365 CEASE: Continuing overview of suggested changes to the -71 amendments.

372 ALL MEMBERS, BENNER AND HANNA: Discussing how to solve the Smith Case problem regarding soil.

TAPE 254 SIDE B

005 ALL MEMBERS, BENNER AND HANNA: Continuing discussion on soil issues.

019 BUNN: Stating motion regarding the section of the -71 amendments that deal with the Smith Case and the soil issues (there are four issues in the motion): "...we would say "yes" on 4 through 8 regarding non-farm dwellings in the Willamette Valley; "yes" on 4 through 8 regarding non-farm dwellings in the rest of the state; "no" to new parcels in the Willamette Valley; and new parcels in the rest of the state will not be decided on tonight."

MOTION: Senator Bunn making motion regarding non-farm dwellings and new parcels (as stated above).

VOTE: No objection.

ACTION: Motion carries.

030 BUNN: Stating his intent regarding the valley floor soil issues.

046 CHAIR CEASE: Addressing committee members regarding committee expectations.

070 - Making motion on -62 amendments (Clark Case): removing the word "apparent" on line 11.

MOTION: Removing the word "apparent" in line 11 of the -62 amendments.

VOTE: No objection.

ACTION: Motion carries. Senate Committee on Agriculture & Natural Resources July 22, 1993 Page 15

089 CEASE: Let's go to the -61 amendments (vonLubken Case).

110 FRITZ vonLUBKEN, Orchardist, Hood River, Oregon: Presenting testimony on HB 3661 relating to his court case. (see -61 proposed amendments). - Giving overview of his court case and explaining the inconclusive

findings.

132 SHOEMAKER: Commenting on the court case.

133 vonLUBKEN: Continuing explanation of his court case history.

150 CEASE: We will put this on the agenda for the morning.

161 VARIOUS MEMBER: Discussing the difficulty of the case.

Right To Farm - HB 3661

186 CEASE: Referring members to handout which will be introduced by the next witness. (note: the committee is working on the -51 amendments at this point.)

200 Martin Taylor, Staff Person for Senator Springer: Introducing EXHIBIT D (letter from Senator Springer). Presenting testimony on HB 3661A by

reviewing and referring to Exhibit D.

212 BRUCE ANDREWS, OREGON DEPARTMENT OF AGRICULTURE: Responding to the suggestions of Senator Springer in Exhibit D.

225 ALL MEMBERS AND ANDREWS: Discussing the issues in Exhibit D as related to the -51 amendments. - Discussing lawsuits in the Right To Farm area.

278 HANNA: Stating the -71 amendments contain needed information on attorney fee issues but not on bodily injury issues.

288 ALL MEMBERS AND ANDREWS: Continuing discussion on Exhibit D issues.

307 SHOEMAKER: Making a motion to stay with the language as is in the draft amendments (-51 amendments).

MOTION: To leave language as is in -51 amendments regarding bodily injury.

VOTE: No objection.

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ACTION: Motion carried.

314 ANDREWS: Referring to section 31, page 2, line 17 of -51 amendments: explaining the language intent of this wording (relating to fishing industry).

354 LARRY HILL, LOBBYIST, OREGON GUIDES AND PACKERS NORTHWEST SPORTS FISHING INDUSTRY ASSOCIATION: Explaining that their concern is that some

practices that are customary are antiquated when it comes to protection of salmon and habitat.

364 ALL MEMBERS, ANDREWS AND HILL: Discussing "customary" practices of salmon protection.

- Discussing what laws there already are and what they cover and don't cover. - Discussing use of words like "responsible" and "customary".

409 HANNA: Giving clarification of terms and standards needed for language in statutes.

TAPE 255, SIDE A

005 HANNA: Continuing statute language explanation and clarification.

011 ALL MEMBERS, HANNA, ANDREWS AND HILL: Discussion continuing on language.

020 HANNA: I will look at the language in case law for some suggestions.

027 CEASE: Let me ask the committee this---is there the desire to accept this conceptually with the one change in reference to the substitution

for the word "customary"?

033 ALL MEMBERS: Discussing specific language, what may or may not open up lawsuits, and what the intent should be.

060 HILL: Referring to sections 34 and 35 (of -51 amendments), he is proposing an additional exception of "...damage, or significant damage, to salmonid habitat...". (this is in the "Exceptions" section of the -51 amendments).

070 ALL MEMBERS, HANNA AND HILL: Continuing discussion on proposed language.

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088 CEASE: There's a danger of this whole piece coming unravelled. I think it would be fair to say that at this point, we have not been

willing to change the attorney fee issue, and we don't want to change the serious

physical injury issue. We are working on different language. We've agreed to a concept on "customary", and think about the issue that Mr. Hill brought up and we'll come back to it.

098 SHOEMAKER: Commenting on not wanting to get the wording too specific.

110 CEASE: Closing summation of what is left to be looked at in HB 3661.

133 CEASE: Adjourns meeting at 9:15 p.m.

EXHIBIT LOG:

A - Outline on HB 3661 - committee staff - 1 page B - Testimony on HB 3661 - Art Schlack - 3 pages C - Outline on HB 3661 - committee staff - 1 page D - Letter by Senator Springer - Martin Taylor - 1 page

Transcribed by:

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