

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

. June 7, 1991                      Hearing Room C 8:00 a.m.                      Tape 235 - 239  
MEMBERS PRESENT: Sen. Dick Springer, Chair Sen. Joyce Cohen,  
Vice-Chair Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh Sen.  
Tricia Smith Sen. Eugene Timms STAFF PRESENT: Peter Green, Committee  
Administrator Chris Beck, Research Associate Barbara Porter, Committee  
Clerk MEASURES CONSIDERED: HB 2142 WS HB 2501 WS HB 2481 PH & PWS HB  
2699 PH & PWS HB 3344 PH & PWS HB 2602 PH & PWS HB 2880 PH & PWS HB 2797  
PH & WS HB 2261 PH & WS HB 2463 PH & WS HB 2244 PH & PWS SB 884 PH & PWS

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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 235 SIDE A 003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:00  
AM HB 2699 Specifies procedure for Oregon Grains Commission to levy and  
collect assessments. 020 SEN. SCOTT DUFF, DISTRICT 29: Submits and  
summarizes -4 amendments (EXHIBIT A). 030 DAVID RICHELDERFER, PENDLETON  
FLOUR MILLS, INC.: Submits and summarizes Senate Committee on  
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written testimony in favor of the bill (EXHIBIT B). 060 JONATHAN  
SCHLUETER, PACIFIC NORTHWEST GRAIN & FEED ASSN: Testifies in favor of  
the bill. This provision in Oregon law is unique. Clarifies amendment.

080 The witnesses answer questions from members of the committee.

HB 2261 Changes land use appeal process. . 106 REP. LISA NAITO,  
DISTRICT 15: Supports the bill with A-3 amendments. Refers to page 5,  
lines 28-30 of -3 amendments.

HB 2699 Specifies procedure for Oregon Grains Commission to levy and  
collect assessments.

176 BOB HAWKES, DEPARTMENT OF AGRICULTURE: Does not oppose the  
amendment to the bill.

186 DAVID TURNER, DEPARTMENT OF AGRICULTURE: This legislation does not  
affect any elevator that is not considered to be public. Farm storage is  
not affected.

191 Discussion of terminology. .~ 218 CHAIR SPRINGER: Some questions  
remain unanswered.

232 SEN. TIMMS: Questions need for amendments.

250 SEN. KINTIGH: Supports -4 amendments.

HB 2142 Exempts routine road maintenance as conduct requiring permit  
from State Forester to operate power-driven machinery.

291 Submitted for the record, -A2 amendments that add HB 2146 to the  
bill (EXHIBIT C).

294 DAN SCHULTZ, DEPARTMENT OF FORESTRY: Does not have the language  
relating to HB 2146.

320 Discussion of civil penalties.

350 SCHULTZ: Refers to specific change in draft of HB 2146. Responds to questions from members of the committee.

TAPE 236 SIDE A 006 RAY CRAIG, FORMER FOREST PRACTICES DIRECTOR:  
Answers questions from -

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members of the committee.

022 MOTION: SEN. KINTIGH moves the A2 amendments as amended.

VOTE: Hearing no objection, the motion is adopted.

MOTION: SEN. KINTIGH moves HB 2142 as amended to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion passes with all members voting AYE.

HB 2501 Requires State Parks and Recreation Department and State Forestry Department to develop recreation plan for Tillamook State Forest.

038 PETER GREEN: The B9 amendments (EXHIBIT E) have several errors and are confusing. Offers hand-engrossed version at the chair's request (EXHIBIT D).

060 SEN. BRENNEMAN: Opposes changes in hand-engrossed version.

068 CHAIR SPRINGER: The recommended language is the language in the original bill.

072 SEN. COHEN: Discusses the primary purpose of the bill. Opposes to restatement of purpose. . 119 SEN. SMITH: Discusses the intent of the sponsors; the forest is an important revenue source.

131 CHAIR SPRINGER: Offended that the bill is used by the house for some other purpose.

148 MOTION: CHAIR SPRINGER moves the hand-engrossed amendments be adopted.

150 VOTE: In a roll call vote, the motion passes with Senators Cohen, Gold, Smith, and Springer voting AYE, and Senators Brenneman, Kintigh, and Timms voting NAY.

155 MOTION: CHAIR SPRINGER moves HB 2501 as amended to the floor with a do pass recommendation. 156 VOTE: In a roll call vote, the motion passes with Senators Cohen, Gold, Smith, and Springer voting AYE, and Senators Brenneman, Kintigh, and Timms voting NAY.

HB 3344 Requires Department of Transportation to study feasibility of replacing department passenger-carrying vehicles with compressed natural gas powered vehicles.

170 Discussion of fiscal impact. Discussion of SB 765 & SB 766.

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HB 2880 Directs State Department of Agriculture to appoint advisory committee to report and make recommendations to Legislative Assembly regarding importance and effect of endophytic fungus in forage grasses sold in state.

244 REP. BILL DWYER, DISTRICT 42: Explains the bill.

278 SEN. SMITH: Questions the cost of study.

282 DWYER: The study is not included in the Governor's budget. There is a fiscal impact statement from the House. This is important. The abortion rate in animals is very expensive.

310 Discussion of growth of fungus and infected seed.

333 DAVE NELSON, OREGON SEED COUNCIL & OREGON TALL FESCUE COMMISSION: Supports the bill. Discusses research on fungus. Answers questions from members of the committee.

TAPE 235 SIDE B

015 Discussion of funding.

021 MOTION: SEN. BRENNEMAN moves HB 2880 A-engrossed to the floor with a do pass recommendation.

023 VOTE: In a roll call vote, the motion passes with all members present voting AYE.

HB 2602

032 REP. CHUCK NORRIS, DISTRICT 57: Supports the bill.

055 MOTION: SEN. BRENNEMAN moves HB 2602 A-engrossed to the floor with a do pass recommendation.

061 VOTE: In a roll call vote, the motion passes with all members present voting AYE.

HB 2481 Prohibits export of unprocessed timber originating from public lands in Oregon.

071 DWYER: Supports the bill.

HB 2463 Requires public contracts to refer to conditions that may require successful bidder to comply with statutes, ordinances or regulations relating to pollution and preservation of natural resources.

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093 DWYER: Supports the bill.

100 RUTH SPETTER, CITY OF PORTLAND: A work session was held to address a number of issues, some are still not resolved. Discussion of contract termination language. Submits written testimony relating to section 7 (EXHIBIT F).

HB 2481

156 DENNIS HAYWARD, NORTHWEST TIMBER ASSOCIATION: Supports the bill. Submits written testimony (EXHIBIT G).

190 MARTI WAY, DEPARTMENT OF FORESTRY: The department has no position on the bill. The main concern is responsibility of investigation and enforcement. Submits written testimony (EXHIBIT H).

222 MOTION: SEN. BRENNEMAN moves HB 2481 to the floor with a do pass recommendation.

229 KINTIGH: This does not affect private lands.

238 WAY: Correction to section 9H, line 29.

245 MOTION: SEN. BRENNEMAN moves HB 2481 as corrected to the floor with a do pass recommendation. VOTE: In a roll call vote, the motion is adopted with all members present voting AYE.

HB 2463

260 KIM MINGO, ASSOCIATIED GENERAL CONTRACTORS: Supports the bill. Does not agree with Spetter's testimony regarding termination clauses and AGC's position. Discussion of termination clauses. Answers questions from members of the committee. Several work sessions were held between AGC and public agencies, generating two separate proposals. There were three differences, two are worked out. AGC's version of the termination issue was adopted.

382 VAL SALISB URY, LEAGUE OF OREGON CITIES: Discussion of contractors, contracts and compensation. TAPE 236 SIDE B

062 SEN. TIMMS: Is there any limitation?

MINGO: Discussion of termination language in contracts and negligence.

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080 Witnesses answer questions from members of the committee.

108 SALISB URY: Refers to HB 2688.

120 Discussion of percentage of completion and overhead costs.

160 MINGO: Statement regarding HB 2688. 196 GARY OTT, CITY OF

GRESHAM: Discussion of overhead and profit.

239 SEN. SMITH: If this bill passes, is there some reason there can't be language to determine what overhead and profit will be?

250 SALISBURY: Suggests using sealed envelopes.

267 Further discussion of profit related to percentage of work completed.

HB 2699

330 SEN DUFF: Refers to -4 amendment, line 9. 342 MOTION: CHAIR SPRINGER moves deletion in -4 amendment.

VOTE: Hearing no objection, the motion passes.

345 MOTION: CHAIR SPRINGER moves the -4 amendments.

VOTE: Hearing no objection, the motion passes.

347 MOTION: CHAIR SPRINGER moves HB 2699 as amended to the floor with a do pass recommendation. VOTE: In a roll call vote, the motion passes with all members present voting AYE.

HB 3344

350 Submitted for the record, hand-engrossed version of the bill including the amendment (EXHIBIT I) Hearing no objection to the amendment, it is adopted.

390 MOTION: SEN. COHEN moves HB 3344 A-engrossed as further amended to the floor with a do pass recommendation. VOTE: In a roll call vote, the motion passes with all members present voting AYE.

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SB 884 Directs planning for rural communities and urban fringe areas.

387 CHARLIE HALES, HOME BUILDERS ASSOCIATION: Testifies in support of the bill.

432 ETHAN SELTZER, CITY OF PORTLAND: Testifies in favor of the bill.

TAPE 237 SIDE A

053 JON CHANDLER, COMMON GROUND: Discusses and supports the -1 amendments (EXHIBIT J). Amendments are identical to SB 1011.

061 CORRECTION: amendment is printed twice.

070 MOTION: SEN. COHEN moves the -1 amendments as further amended.

VOTE: Hearing no objection, the motion passes. 089 SEN. SMITH: Question dealing with urban reserve areas. 096 HALES: There is no requirement in Oregon law that we reach buildout before urban growth boundaries are expanded. 100 Witnesses respond to questions from members of the committee. 125 MOTION: SEN. COHEN moves SB 884 as

amended to the floor with a do pass recommendation. VOTE: In a roll call vote, the motion passes with Senators Cohen, Smith, Timms, and Springer voting AYE, Senator Kintigh voting NAY, and Senators Brenneman and Gold absent.

HB 2463

140 MINGO: Adds and deletes language in the bill.

154 CHAIR SPRINGER: We will view these as conceptual amendments and ask Legislative Counsel to put it in correct form.

166 MOTION: CHAIR SPRINGER moves the amendment to A-engrossed HB 2463.

VOTE: Hearing no objection, the motion is adopted.

170 MOTION: CHAIR SPRINGER moves HB 2463 A-engrossed as further amended to the floor with a do pass recommendation. 172 VOTE: In a roll call vote, the motion is adopted with all members present voting AYE. \_ These rninutca contai which paraphrasc and/or summ made during this session Only text enclosed in quotation marks report · spcaker's exact words For " of the proceedings, plea" refer to the bpes Senate Committoe on Agriculture and Naturd Resources June 7, 1991 - Page 8

HB 2261

170 Submitted for the record, -3 & -4 amendments (EXHIBITS K & L).

221 GREG WOLF, DLCD: Submits and summarizes written testimony in favor of the bill (EXHIBIT M). Approves of -3 & 4 amendments.

250 BOB STACEY, CITY OF PORTLAND: Testifies in favor of the bill. Site review is important to growth management. Use classification process should be an administrative function. Answers questions from members of the committee.

HALES: Submits written testimony in favor of the bill (EXHIBIT N).

390 WOLF: Is willing to get into the rulemaking.

TAPE 238 SIDE A

010 Witnesses answer questions from members of the committee.

074 JON CHANDLER, COMMON GROUND: Testifies in favor of the bill. Supports citizen involvement.

129 WOLF: Advises the committee of provision in the bill relating to the extension of the limited land use decision outside the urban growth boundary to aggregate resource sites where the goal five process has been completed.

180 Discussion of site review relating to row house development.

207 HALES: Under current law, local government faces a choice; either issue permits or make land use decisions.

226 ED SULLIVAN: Opposed to bill in current form with the -3 & -4

amendments. Submits and summarizes written testimony (EXHIBIT O) and overview of commercial codes (EXHIBIT P).

TAPE 237 SIDE B

043 NEIL KAGAN, 1000 FRIENDS OF OREGON: Opposes the bill as a whole unless it is amended in several material respects. Submits and summarizes written testimony (EXHIBIT Q). Supports the concept of a limited land use decision for subdivisions and partitions and site review and design review within urban growth boundaries. Discusses A-3 amendments. Discusses A4 amendments. Answers questions from members of the committee.

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Urges adoption of proposed amendments before passage of HB 2261.

TAPE 238 SIDE B

026 KAGAN: Continues testimony.

090 BARBARA VVIGGIN, GRESHAM CITY COUNCIL: Opposes the bill, supports citizen involvement in site and design review.

143 ALICE BLATT: Concerned with the limited land use category and the classifications. Discusses site review process. Supports citizen involvement.

207 KAY DIRTCHEY: The cost of the review process is of concern to the citizens. The neighborhood notification process is important. The 10 day period is insufficient.

258 CHAIR SPRINGER: Asks witnesses to resolve remaining issues, there will be a work session on Wednesday.

HB 2797 Revises procedure whereby city, county or special district may adopt moratorium on construction or land development.

290 CHARLIE HALES, HOME BUILDERS ASSOCIATION OF METROPOLITAN PORTLAND: Submits and summarizes written testimony in favor of the bill (EXHIBIT R). 340 JON CHANDLER, COMMON GROUND: Submits and summarizes written testimony in favor of the bill (EXHIBIT S). Submitted for the record, proposed amendments to HB 2797 (EXHIBIT T). 410 The witnesses answer questions from members of the committee.

TAPE 239 SIDE A

100 GARY CONKLING, BEAVERTON SCHOOL DISTRICT: Submits and summarizes written testimony (EXHIBIT U). Offers A-3 amendments (see exhibit T). Answers questions from members of the committee.

215 PAM EDENS: Submits and summarizes written testimony (EXHIBIT V). Supports the amendments.

257 MOTION: SEN. SMITH moves the -A3 amendment to HB 2797.

VOTE: Hearing no objection, the motion is adopted.

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MOTION: SEN. SMITH moves HB 2797 as amended to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion passes with all members present voting AYE.

272 The meeting is adjourned at 12:45 p.m.

EXHIBIT LOG:

A - Proposed amendments to HB 2699 - Sen. Duff - 1 page B - Testimony on HB 2699 - David Richelderfer - 1 page C - Proposed amendments to HB 2142 - staff - 10 pages D - Hand-engrossed Chair's amendments to HB 2501 - staff - 3 pages E - Proposed amendments to B-engrossed HB 2501 - staff - 1 page F - Testimony on HB 2463 - Ruth Spetter - 2 pages G - Testimony on HB 2481 - Dennis Hayward - 9 pages H - Testimony on HB 2481 - Marti Way - 2 pages I - Hand-engrossed HB 3344 A-engrossed - staff - 1 page J - Proposed amendments to SB 884 - staff - 7 pages K - Proposed amendments to HB 2261 - staff - 20 pages L - Proposed amendments to HB 2261 - staff - 4 pages M - Testimony on HB 2261 - Greg Wolf - 1 page N - Testimony on HB 2261 - Charlie Hales - 2 pages O - Testimony on HB 2261 - Ed Sullivan - 6 pages P - Testimony on HB 2261 - Ed Sullivan - 7 pages Q - Testimony on HB 2261 - 1000 Friends of Oregon - 4 pages R - Testimony on HB 2797 - Charlie Hale - 3 pages S - Testimony on HB 2797 - Jon Chandler - 2 pages T - Proposed amendments to HB 2797 - staff - 4 pages U - Testimony on HB 2797 - Gary Conkling - 4 pages V - Testimony on HB 2797 - Pam Edens - 3 pages

Submitted by:      Reviewed by: Barbara Porter      Peter Green  
Assistant            Administrator

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