

Senate Committee on Agriculture and Natural Resources June 12, 1991 -
Page

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.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

June 12, 1991Hearing Room C 8:00 a.m. Tape 242 - 243

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 Assistant

MEASURES CONSIDERED: HB 2244 WS HB 3349 WS HB 3361
WS HB 2261 WS HB 2150 WS HB 2145 PH & PWS HB 2245 PH & PWS

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 242 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 9:00 AM

HB 2145Prescribes conditions for combining lots for fire protection
assessments

040 DOUG COYLE, DEPARTMENT OF FORESTRY: Submits and summarizes written
testimony in support of the bill (EXHIBIT A). Answers questions from
members of the committee.

HB 2245Increases reserve base of Oregon Forest Land Protection Fund to
\$15 million.

150 JIM BROWN, DOF: Submits and summarizes written testimony (EXHIBIT
B). Discussion of Oregon Forest Land Protection Fund rate comparisons.
228 Answers questions from members of the committee.

HB 2145

259 GARY CARLSON, OREGON SMALL WOODLANDS ASSOCIATION: Testifies in favor of the bill.

HB 2245

283 RAY WILKESON, OREGON FOREST INDUSTRIES COUNCIL: Testifies in favor of the bill. 300 Answers questions from members of the committee.

340 COYLE: Explains fiscal impact.

370 MOTION: CHAIR SPRINGER moves HB 2145 A-engrossed to Ways & Means with a do pass recommendation.

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

380 SEN. KINTIGH: Possible conflict of interest.

400 MOTION: CHAIR SPRINGER moves HB 2245 to Ways & Means with a do pass recommendation.

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

HB 3349 Eliminates, with some exceptions, strict liability on lenders and fiduciaries for actual or threatened release of hazardous substance.

TAPE 243 SIDE A

010 FRANK BRAUNER, OREGON BANKERS ASSOCIATION: Submits -A5 amendments agreed to by the OBA and DEQ (EXHIBIT C).

010 DAVE ELLIS: Explains -A5 amendments.

025 MARY WALL: Section by section analysis of amendments.

050 ELLIS: Discussion of fiduciary liability.

070 The panel answers questions from members of the committee.

075 Clarification of fiduciary definition.

080 BRAUNER: Asks that the subsequent referral be removed.

090 MOTION: SEN. COHEN moves to adopt the -A5 amendments.

VOTE: Hearing no objection, the motion is adopted.

095 MOTION: SEN. COHEN moves HB 3349 as amended with a further recommendation that the subsequent referral to the Judiciary Committee be rescinded and that the bill go directly to the floor with a do pass recommendation.

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

HB 2261Changes land use appeal process.

110 KATHLEEN HEINEMAN: Concerned about lack of public hearing in limited land use decisions. Concerned that these decisions be deferred to planning staff recommendation. Has serious reservations that these particular land use decisions are confined between the applicant and the city. The standard of review for the limited land use decision should be the same as for any other land use decision.

165 CONCENSUS GROUP: GREG WOLF, ED SULLIVAN, BOB STACEY, JON CHANDLER, & NEIL KAGEN:

170 BECK: The -7 amendments (EXHIBIT E) is the product of the majority of the members in the work group. A review of the -6 amendments (EXHIBIT D) will follow.

180 GREG WOLF, DLCD: The A-7 amendments are supported by the group. We oppose the A-6 amendments.

200 Reference to notification of neighborhood associations.

211 MOTION: SEN. SMITH moves that the notice provision be expanded to other categories of land use decisions.

VOTE: Hearing no objection, the conceptual amendment is adopted.

220 ED SULLIVAN: Describes the areas of agreement and movement and the progress that has been made on the bill (EXHIBIT F).

282 BOB STACEY: Explains minimum requirements.

385 SULLIVAN: Continues explaining the amendments.

390 NEIL KAGEN: 1000 Friends favors the A-6 amendments (EXHIBIT G).

SULLIVAN: Continues review of -7 amendments.

TAPE 242 SIDE B

020 SULLIVAN: Continues reviewing A-7 amendments.

050 KAGEN: Explains 1000 Friends position regarding notification.

060 Discussion of A-7 amendments continues.

100 Discussion of inclusion or deletion of "factual".

207 Discussion of legal determination to LUBA.

235 SULLIVAN: Review of aggregate mining provisions.

245 KAGEN: Objection. Wants to delete sections 10 & 11.

275 SULLIVAN: Refers to A-8 amendments (EXHIBIT H). Provides 14 day notification.

280 KAGEN: Objection. The provision makes it difficult for a citizen's right to a hearing.

288 CHARLIE HALES: What remains are philosophical differences. Urges

adoption of A-7 & A-8 amendments.

310 KAGEN: Recommends substitutions.

325 Review of A-7 amendments relating to A-6 amendments.

350 JON CHANDLER, COMMON GROUND: Urges adoption of A-7 amendments.

375 MOTION: SEN. KINTIGH moves A-7 & A-8 amendments.

380 SEN. SMITH: Would like to address the major issues separately.

400 SUBSTITUTE MOTION: SEN. SMITH moves to delete page 3, section 1, lines 11-14.

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

TAPE 243 SIDE B

003 SUBSTITUTE MOTION: SEN. SMITH moves to delete page 4, section 2, lines 26-30, and on page 5, delete lines 1-9.

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.

025 MOTION: SEN. SMITH moves to conceptually apply recognized neighborhood associations as part of the exemption.

VOTE: Hearing no objection, the motion is adopted.

055 WOLF: With the deletion of section 2, the concensus group would like to table this bill.

065 The hearing is adjourned at 11:55.

EXHIBIT LOG:

A - Testimony on HB 2145 - Department of Forestry - 4 pages
B - Testimony on HB 2245 - Department of Forestry - 5 pages
C - Proposed amendments to HB 3349 - staff - 7 pages
D - Proposed amendments to HB 2261 - staff - 22 pages
E - Proposed amendments to HB 2261 - staff - 46 pages
F - Testimony on HB 2261 - Ed Sullivan - 4 pages
G - Testimony on HB 2261 - Neil Kagen - 4 pages
H - Proposed amendments to HB 2261 - staff - 1 page

Submitted by: Reviewed by:

Barbara Porter Peter Green Assistant Administrator