

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

April 17, 2013
3:00 PM

Hearing Room C

MEMBERS PRESENT: Sen. Jackie Dingfelder, Chair
Sen. Alan Olsen, Vice-Chair
Sen. Alan Bates
Sen. Bill Hansell
Sen. Mark Hass

STAFF PRESENT: Beth Reiley, Committee Administrator
Jennifer Lutman, Committee Assistant

MEASURES/ISSUES HEARD: SCR 14 – Public Hearing and Work Session
SB 287 – Public Hearing and Work Session
SB 800 – Work Session
SB 401 – Work Session
SB 476 – Work Session
SB 488 – Work Session
SB 837 – Work Session
SB 838 – Work Session
SB 839 – Work Session
SB 846 – Work Session

Recording Log

3:01:09 PM Meeting Called to Order by Chair Dingfelder

3:01:55 PM SCR 14-Public Hearing

3:02:00 PM Beth Reiley, Committee Administrator

3:02:12 PM Chair Dingfelder

3:02:18 PM Sen. Monnes Anderson, Senate District 25

3:03:26 PM Chair Dingfelder

3:03:57 PM Jenny Taylor, Oregon resident

3:04:02 PM Chair Dingfelder

3:04:05 PM {Exhibit} 1-2: Jim Urbaniak, Vice-President, Oregon Agate and Mineral Society

3:05:30 PM Chair Dingfelder

3:05:34 PM Tom Waterworth, student, Renaissance School of Arts and Sciences

3:05:55 PM Chair Dingfelder

3:05:56 PM Taylor

3:05:58 PM Chair Dingfelder

3:06:02 PM Sen. Hansell

3:06:05 PM Urbaniak

3:06:36 PM Sen. Bates

3:06:43 PM Urbaniak
3:06:59 PM Sen. Bates
3:07:04 PM Urbaniak
3:07:07 PM Chair Dingfelder
3:07:09 PM Urbaniak
3:08:10 PM Sen. Bates
3:08:13 PM Urbaniak
3:08:38 PM Sen. Bates
3:08:39 PM Chair Dingfelder
3:08:40 PM Vice-Chair Olsen
3:08:51 PM Sen. Bates
3:08:54 PM Urbaniak
3:08:56 PM Vice-Chair Olsen
3:09:04 PM Urbaniak
3:09:07 PM Vice-Chair Olsen
3:09:13 PM Urbaniak
3:09:42 PM Vice-Chair Olsen
3:09:49 PM Urbaniak
3:10:38 PM Vice-Chair Olsen
3:10:42 PM Urbaniak
3:11:24 PM Vice-Chair Olsen
3:11:29 PM Urbaniak
3:11:49 PM Vice-Chair Olsen
3:11:53 PM Urbaniak
3:11:59 PM Vice-Chair Olsen
3:12:00 PM Urbaniak
3:12:24 PM Vice-Chair Olsen
3:12:31 PM Chair Dingfelder
3:12:33 PM Sen. Hansell
3:12:36 PM Chair Dingfelder
3:12:42 PM Sen. Bates
3:13:09 PM Waterworth
3:13:12 PM Sen. Bates
3:13:16 PM Urbaniak
3:13:23 PM Chair Dingfelder
3:13:55 PM Debbie Marshall, Secretary, Oregon Agate and Mineral Society
3:15:45 PM Chair Dingfelder
3:15:58 PM Barbara Marshall, Oregon resident
3:16:12 PM Chair Dingfelder
3:16:39 PM Tom Kitchar, President, Waldo Mining District
3:16:59 PM Chair Dingfelder
3:17:10 PM Reiley
3:17:11 PM Chair Dingfelder
3:17:15 PM Reiley
3:17:20 PM Chair Dingfelder
3:17:21 PM {Exhibit} 3: witness registration

3:17:22 PM SCR 14-Work Session

3:17:30 PM MOTION: VICE-CHAIR OLSEN MOVES SCR 14 BE ADOPTED
3:17:32 PM Chair Dingfelder
3:17:41 PM VOTE: 5-0-0
3:17:43 PM AYES: BATES, HANSELL, HASS, OLSEN, DINGFELDER
3:17:47 PM CARRIER: SEN. OLSEN WILL LEAD DISCUSSION ON THE FLOOR

3:18:06 PM SB 287-Public Hearing

3:18:15 PM Beth Reiley, Committee Administrator
3:18:39 PM Chair Dingfelder
3:18:40 PM {Exhibit} 4: Sen. Brian Boquist, Senate District 12
3:21:53 PM Sen. Bates
3:21:54 PM Chair Dingfelder
3:21:56 PM Sen. Bates
3:22:50 PM Sen. Boquist
3:22:52 PM Sen. Bates
3:22:53 PM Sen. Boquist
3:24:00 PM Chair Dingfelder
3:24:05 PM Sen. Bates
3:24:10 PM Sen. Boquist
3:25:06 PM Chair Dingfelder
3:25:10 PM Sen. Bates
3:25:27 PM Sen. Boquist
3:25:51 PM Chair Dingfelder
3:25:59 PM Sen. Boquist
3:26:00 PM Chair Dingfelder
3:26:13 PM Sen. Boquist
3:26:16 PM Chair Dingfelder

3:26:26 PM SB 287-Work Session

3:26:33 PM Beth Reiley, Committee Administrator
3:26:40 PM Chair Dingfelder
3:26:44 PM MOTION: VICE-CHAIR OLSEN MOVES SB 287 DO PASS
3:26:50 PM Chair Dingfelder
3:26:59 PM Sen. Bates
3:27:13 PM Chair Dingfelder
3:27:24 PM Sen. Bates
3:27:48 PM Chair Dingfelder
3:27:54 PM Sen. Bates
3:28:01 PM Chair Dingfelder
3:28:02 PM Sen. Hansell
3:28:12 PM Chair Dingfelder
3:28:14 PM Sen. Hansell
3:28:19 PM Sen. Bates
3:28:21 PM Chair Dingfelder

3:28:40 PM Sen. Bates
3:28:44 PM Chair Dingfelder
3:29:02 PM Lisa Hansen, Deputy Director, Oregon Department of Agriculture
3:29:10 PM Chair Dingfelder
3:29:17 PM Hansen
3:30:17 PM Chair Dingfelder
3:30:20 PM Sen. Hansell
3:30:23 PM Chair Dingfelder
3:30:26 PM Sen. Bates
3:30:36 PM Chair Dingfelder
3:30:50 PM VOTE: 5-0-0
3:30:51 PM AYES: BATES, HANSELL, HASS, OLSEN, DINGFELDER
3:30:57 PM CARRIER: SEN. BOQUIST WILL LEAD DISCUSSION ON THE FLOOR
3:31:07 PM Chair Dingfelder
3:31:47 PM Reiley
3:31:50 PM Chair Dingfelder
3:32:23 PM {Exhibit} 5: Mitch Swecker, Director, Oregon Department of Aviation
3:33:10 PM Chair Dingfelder
3:33:11 PM Scott Brewen, Director, Oregon State Marine Board
3:34:57 PM Chair Dingfelder

3:35:54 PM **SB 800-Work Session**
3:36:20 PM {Exhibit} 6: Beth Reiley, Committee Administrator
3:36:52 PM Chair Dingfelder
3:37:49 PM Reiley
3:37:54 PM Chair Dingfelder
3:37:59 PM MOTION: SEN. BATES MOVES TO ADOPT THE -3 AMENDMENTS
3:38:06 PM Chair Dingfelder
3:38:15 PM Vice-Chair Olsen
3:38:48 PM Chair Dingfelder
3:39:01 PM VOTE: 4-1-0
3:39:02 PM AYES: BATES, HANSELL, HASS, DINGFELDER
3:39:03 PM NAY: OLSEN
3:39:06 PM MOTION: SEN. BATES MOVES SB 800 DO PASS AS AMENDED
3:39:10 PM Chair Dingfelder
3:39:21 PM Sen. Hass
3:40:27 PM Chair Dingfelder
3:41:26 PM Sen. Hass
3:41:46 PM Chair Dingfelder
3:41:50 PM Sen. Hass
3:42:07 PM Chair Dingfelder
3:42:31 PM VOTE: 3-2-0
3:42:33 PM AYES: BATES, HANSELL, DINGFELDER
3:42:34 PM NAYS: HASS, OLSEN
3:42:35 PM CARRIER: SEN. PROZANSKI WILL LEAD DISCUSSION ON THE FLOOR

3:42:51 PM Sen. Hansell
3:43:09 PM Chair Dingfelder
3:43:17 PM Vice-Chair Olsen
3:43:20 PM Chair Dingfelder
3:43:23 PM Vice-Chair Olsen
3:43:28 PM Chair Dingfelder
3:43:29 PM The following written testimony is submitted for the record without public testimony:
3:43:30 PM {Exhibit} 7: Mark Dickman, Dickman Farms Inc.
3:43:31 PM {Exhibit} 8: Gordon Kiyokawa, Golf Course Superintendent, Columbia Edgewater Country Club
3:43:32 PM {Exhibit} 9: Bob Komoto, Ontario Produce Company
3:43:33 PM {Exhibit} 10: Loretta Peterson, Oregon dairy farmer
3:43:34 PM {Exhibit} 11: Ted and Jennifer Reiss, Oregon foresters
3:43:35 PM {Exhibit} 12: Hank Schmid, Oregon resident
3:44:08 PM Meeting Recessed
4:54:58 PM Meeting Reconvened
4:54:59 PM Chair Dingfelder
4:55:38 PM Richard Whitman, Natural Resources Policy Director, Governor's Office
4:55:47 PM Chair Dingfelder
4:55:49 PM Whitman
4:55:52 PM Chair Dingfelder
4:56:11 PM Whitman
5:00:55 PM Chair Dingfelder

5:01:32 PM **SB 401-Work Session**
5:01:44 PM {Exhibit} 13: Chair Dingfelder
5:01:58 PM MOTION: SEN. HASS MOVES TO ADOPT THE -5 AMENDMENTS
5:02:03 PM Chair Dingfelder
5:02:12 PM Sen. Bates
5:04:00 PM Chair Dingfelder
5:04:04 PM Beth Reiley, Committee Administrator
5:04:20 PM Chair Dingfelder
5:04:25 PM Reiley
5:04:26 PM Chair Dingfelder
5:04:38 PM Vice-Chair Olsen
5:05:28 PM Chair Dingfelder
5:05:42 PM VOTE: 3-2-0
5:05:43 PM AYES: BATES, HASS, DINGFELDER
5:05:44 PM NAYS: HANSELL, OLSEN
5:05:47 PM MOTION: SEN. HASS MOVES SB 401 DO PASS AS AMENDED AND BE REFERRED TO WAYS AND MEANS
5:05:55 PM Chair Dingfelder
5:06:49 PM VOTE: 3-2-0
5:06:50 PM AYES: BATES, HASS, DINGFELDER
5:06:51 PM NAYS: HANSELL, OLSEN

- 5:06:52 PM** The following written testimony is submitted for the record without public testimony:
- 5:06:53 PM** {Exhibit} 14: Samuel Seth, Oregon resident
- 5:07:09 PM** **SB 476-Work Session**
- 5:07:16 PM** {Exhibit} 15: Beth Reiley, Committee Administrator
- 5:08:01 PM** Chair Dingfelder
- 5:08:25 PM** Vice-Chair Olsen
- 5:08:26 PM** SEN. DINGFELDER DECLARES A POTENTIAL CONFLICT OF INTEREST
- 5:08:51 PM** MOTION: SEN. HASS MOVES TO ADOPT THE -1 AMENDMENTS
- 5:08:55 PM** Chair Dingfelder
- 5:09:05 PM** VOTE: 5-0-0
- 5:09:09 PM** AYES: BATES, HANSELL, HASS, OLSEN, DINGFELDER
- 5:09:10 PM** MOTION: SEN. HASS MOVES SB 476 DO PASS AS AMENDED AND THE SUBSEQUENT REFERRAL TO WAYS AND MEANS BE RESCINDED
- 5:09:20 PM** Chair Dingfelder
- 5:09:41 PM** VOTE: 5-0-0
- 5:09:43 PM** AYES: BATES, HANSELL, HASS, OLSEN, DINGFELDER
- 5:09:57 PM** CARRIER: SEN. JOHNSON WILL LEAD DISCUSSION ON THE FLOOR
- 5:10:14 PM** **SB 488-Work Session**
- 5:10:26 PM** MOTION: SEN. HASS MOVES SB 488 DO PASS AND BE REFERRED TO RULES
- 5:10:32 PM** Chair Dingfelder
- 5:10:44 PM** Sen. Bates
- 5:12:04 PM** Chair Dingfelder
- 5:12:05 PM** Vice-Chair Olsen
- 5:12:25 PM** Chair Dingfelder
- 5:13:04 PM** VOTE: 3-2-0
- 5:13:07 PM** AYES: BATES, HASS, DINGFELDER
- 5:13:08 PM** NAYS: HANSELL, OLSEN
- 5:13:20 PM** **SB 837-Work Session**
- 5:13:31 PM** {Exhibit} 16: Beth Reiley, Committee Administrator
- 5:13:43 PM** Chair Dingfelder
- 5:13:47 PM** Reiley
- 5:14:01 PM** Chair Dingfelder
- 5:14:05 PM** Brett Brownscombe, Natural Resources Policy Advisor, Governor's Office
- 5:20:42 PM** Chair Dingfelder
- 5:21:04 PM** Vice-Chair Olsen
- 5:21:23 PM** Brownscombe
- 5:22:31 PM** Vice-Chair Olsen
- 5:22:53 PM** Brownscombe
- 5:23:21 PM** Vice-Chair Olsen

5:23:24 PM Chair Dingfelder
5:23:38 PM Brownscombe
5:23:43 PM Chair Dingfelder
5:24:10 PM MOTION: SEN. HASS MOVES TO ADOPT THE -2 AMENDMENTS
5:24:16 PM Chair Dingfelder
5:24:27 PM Reiley
5:24:36 PM Chair Dingfelder
5:24:55 PM VOTE: 5-0-0
5:24:56 PM AYES: BATES, HANSELL, HASS, OLSEN, DINGFELDER
5:25:00 PM MOTION: SEN. HASS MOVES SB 837 DO PASS AS AMENDMEND AND
BE REFERRED TO WAYS AND MEANS BY PRIOR REFERENCE
5:25:09 PM Chair Dingfelder
5:25:31 PM VOTE: 5-0-0
5:25:32 PM AYES: BATES, HANSELL, HASS, OLSEN, DINGFELDER

5:25:55 PM **SB 838-Work Session**
5:26:04 PM {Exhibit} 17: Beth Reiley, Committee Administrator
5:26:26 PM Chair Dingfelder
5:26:31 PM Rich Angstrom, President, Oregon Concrete and Aggregate Producers
Association
5:29:15 PM Chair Dingfelder
5:29:21 PM Sen. Hansell
5:29:31 PM Angstrom
5:29:50 PM Chair Dingfelder
5:29:53 PM Sen. Hansell
5:29:54 PM Chair Dingfelder
5:29:57 PM Sen. Bates
5:30:16 PM Angstrom
5:32:13 PM Chair Dingfelder
5:32:15 PM Sen. Hass
5:32:40 PM Angstrom
5:34:05 PM Chair Dingfelder
5:34:10 PM Vice-Chair Olsen
5:34:54 PM Angstrom
5:36:02 PM Chair Dingfelder
5:36:04 PM Sen. Bates
5:37:51 PM Angstrom
5:38:01 PM Chair Dingfelder
5:38:06 PM MOTION: SEN. HASS MOVES TO ADOPT THE -4 AMENDMENTS
5:38:13 PM {Exhibit} 18: Chair Dingfelder
5:38:59 PM Vice-Chair Olsen
5:40:28 PM Chair Dingfelder
5:40:32 PM Sen. Hansell
5:41:35 PM Chair Dingfelder
5:41:49 PM VOTE: 4-1-0
5:41:50 PM AYES: BATES, HANSELL, HASS, DINGFELDER

5:41:51 PM NAYS: OLSEN
5:41:52 PM MOTION: SEN. HASS MOVES SB 838 DO PASS AS AMENDED AND BE REFERRED TO WAYS AND MEANS BY PRIOR REFERENCE
5:42:00 PM Chair Dingfelder
5:42:13 PM Vice-Chair Olsen
5:43:22 PM Chair Dingfelder
5:43:35 PM VOTE: 3-2-0
5:43:36 PM AYES: BATES, HASS, DINGFELDER
5:43:37 PM NAYS: HANSELL, OLSEN
5:43:38 PM The following written testimony is submitted for the record without public testimony:
5:43:39 PM {Exhibit} 19: Kate Brown, Oregon Secretary of State
5:43:40 PM {Exhibit} 20: Samuel Seth, Oregon resident
5:43:41 PM {Exhibit} 21: Thomas Bonn, Oregon placer mining engineer
5:43:42 PM {Exhibit} 22-23: Eben Ray, President, Willamette Valley Miners

5:43:51 PM **SB 839-Work Session**
5:43:55 PM {Exhibit} 24: Beth Reiley, Committee Administrator
5:44:13 PM Chair Dingfelder
5:44:21 PM MOTION: SEN. HASS MOVES TO ADOPT THE -4 AMENDMENTS
5:44:26 PM Chair Dingfelder
5:44:47 PM Vice-Chair Olsen
5:44:48 PM Chair Dingfelder
5:44:49 PM VOTE: 4-1-0
5:44:51 PM AYES: BATES, HANSELL, HASS, DINGFELDER
5:44:52 PM NAYS: OLSEN
5:44:54 PM MOTION: SEN. HASS MOVES HB 839 DO PASS AS AMENDED AND BE REFERRED TO WAYS AND MEANS BY PRIOR REFERENCE
5:45:03 PM Chair Dingfelder
5:45:16 PM Vice-Chair Olsen
5:45:57 PM Chair Dingfelder
5:46:02 PM Sen. Hansell
5:46:36 PM Chair Dingfelder
5:46:49 PM VOTE: 4-1-0
5:46:50 PM AYES: BATES, HANSELL, HASS, DINGFELDER
5:46:52 PM NAYS: OLSEN
5:46:53 PM The following written testimony is submitted for the record without public testimony:
5:46:54 PM {Exhibit} 25-29: Ron Gibson, Interim Chairman, Jefferson Mining District

5:47:04 PM **SB 846-Work Session**
5:47:37 PM Beth Reiley, Committee Administrator
5:47:40 PM Chair Dingfelder
5:47:43 PM Reiley
5:47:54 PM Chair Dingfelder
5:47:55 PM MOTION: SEN. HASS MOVES SB 846 DO PASS AND THE

SUBSEQUENT REFERRAL TO WAYS AND MEANS BE RESCINDED
AND BE REFERRED TO RULES

5:48:08 PM Chair Dingfelder
5:48:20 PM VOTE: 5-0-0
5:48:22 PM AYES: BATES, HANSELL, HASS, OLSEN, DINGFELDER
5:48:34 PM CARRIER: SEN. HANSELL WILL LEAD DISCUSSION ON THE FLOOR
5:48:50 PM Reiley
5:49:02 PM Meeting Adjourned by Chair Dingfelder

Exhibit Summary

3:04:05 PM {Exhibit} 1: SCR 14, written testimony, Jim Urbaniak, 1 p
3:04:05 PM {Exhibit} 2: SCR 14, oversized exhibit, Jim Urbaniak, 1 p
3:17:21 PM {Exhibit} 3: SCR 14, witness registration, staff, 1 p
3:18:40 PM {Exhibit} 4: SB 287, written testimony, Sen. Boquist, 2 pp
3:32:23 PM {Exhibit} 5: SB 287, written testimony, Mitch Swecker, 1 p
3:36:20 PM {Exhibit} 6: SB 800, -3 amendments, staff, 3 pp
3:43:30 PM {Exhibit} 7: SB 800, written testimony, Mark Dickman, 1 p
3:43:31 PM {Exhibit} 8: SB 800, written testimony, Gordon Kiyokawa, 1 p
3:43:32 PM {Exhibit} 9: SB 800, written testimony, Bob Komoto, 1 p
3:43:33 PM {Exhibit} 10: SB 800, written testimony, Loretta Peterson, 2 pp
3:43:34 PM {Exhibit} 11: SB 800, written testimony, Ted and Jennifer Reiss, 1 p
3:43:35 PM {Exhibit} 12: SB 800, written testimony, Hank Schmid, 1 p
5:01:44 PM {Exhibit} 13: SB 401, -5 amendments, staff, 19 pp
5:06:53 PM {Exhibit} 14: SB 401, written testimony, Samuel Seth, 1 p
5:07:16 PM {Exhibit} 15: SB 476, -1 amendments, staff, 11 pp
5:13:31 PM {Exhibit} 16: SB 837, -2 amendments, staff, 9 pp
5:26:04 PM {Exhibit} 17: SB 838, -4 amendments, staff, 5 pp
5:38:13 PM {Exhibit} 18: SB 838, conflict of interest letter, Sen. Dingfelder, 3 pp
5:43:39 PM {Exhibit} 19: SB 838, written testimony, Kate Brown, 1 p
5:43:40 PM {Exhibit} 20: SB 838, written testimony, Samuel Seth, 1 p
5:43:41 PM {Exhibit} 21: SB 838, written testimony and images, Thomas Bonn, 6 pp
5:43:42 PM {Exhibit} 22: SB 838, written testimony, Eben Ray, 1 p
5:43:42 PM {Exhibit} 23: SB 838, written testimony of Joseph Greene, Eben Ray, 9 pp
5:43:55 PM {Exhibit} 24: SB 839, -4 amendments, staff, 17 pp
5:46:54 PM {Exhibit} 25: SB 839, written testimony, Ron Gibson, 6 pp
5:46:54 PM {Exhibit} 26: SB 839, written information, Ron Gibson, 16 pp
5:46:54 PM {Exhibit} 27: SB 839, written information, Ron Gibson, 4 pp
5:46:54 PM {Exhibit} 28: SB 839, memorandum, Ron Gibson, 4 pp
5:46:54 PM {Exhibit} 29: SB 839, written information, Ron Gibson, 10 pp