

## HOUSE COMMITTEE ON ENERGY, ENVIRONMENT AND WATER

April 21, 2011  
3:00 PM

Hearing Room D

**MEMBERS PRESENT:** Rep. Ben Cannon, Co-Chair  
Rep. Vic Gilliam, Co-Chair  
Rep. Deborah Boone, Co-Vice Chair  
Rep. Wayne Krieger, Co-Vice Chair  
Rep. Jules Bailey  
Rep. Cliff Bentz  
Rep. Jim Thompson  
Rep. Brad Witt

**STAFF PRESENT:** Liz Puskar, Committee Administrator  
Sue Hampton, Committee Assistant

**MEASURES/ISSUES HEARD:** HB 3145 - Work Session  
HB 3595 - Work Session  
HB 3516 - Work Session  
HB 3623 - Work Session  
HB 3255 - Work Session  
HB 2196 - Work Session  
HB 3342 - Work Session  
HB 2873 - Work Session  
HB 3538 - Work Session  
HB 3165 - Work Session  
HB 2522 - Work Session  
HB 3597 - Work Session  
HJR 29 - Work Session

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### Recording Log

**3:22:07 PM** Meeting Called to Order by Co-Chair Cannon  
**3:22:09 PM** Co-Chair Cannon  
  
**3:22:16 PM** HB 3145 - Work Session  
**3:22:20 PM** Co-Chair Cannon  
**3:22:25 PM** {Exhibit} 1: Liz Puskar, Committee Administrator  
**3:23:11 PM** MOTION: Co-Chair Gilliam moves -2 amendments  
**3:23:18 PM** VOTE: 8-0-0  
**3:23:35 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
**3:23:54 PM** Co-Chair Gilliam

- 3:24:06 PM** MOTION: Co-Chair Gilliam moves HB 3145 Do Pass as Amended and Rescind the Referral to Joint Committee on Ways and Means
- 3:24:30 PM** Rep. Bentz
- 3:24:58 PM** Co-Chair Cannon
- 3:27:32 PM** VOTE: 7-1-0
- 3:27:34 PM** AYES: Bailey, Thompson, Witt, Boone, Krieger, Gilliam, Cannon; NAYS: Bentz
- 3:27:36 PM** CARRIER: REP. BEN CANNON and REP. VICKI BERGER will lead the discussion on the floor
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- 3:28:23 PM** **HB 3595 - Work Session**
- 3:28:26 PM** Co-Chair Cannon
- 3:28:29 PM** {Exhibit} 2 - 3: Liz Puskar, Committee Administrator
- 3:29:24 PM** Co-Chair Cannon
- 3:30:11 PM** Art Schlack, Association of Oregon Counties
- 3:32:05 PM** Co-Chair Cannon
- 3:32:13 PM** MOTION: Co-Chair Gilliam moves -4 amendments
- 3:32:39 PM** Co-Chair Cannon
- 3:32:46 PM** VOTE: 8-0-0
- 3:32:51 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon
- 3:32:52 PM** MOTION: Co-Chair Gilliam moves HB 3595 Do Pass as Amended and be Referred to Joint Committee on Ways and Means
- 3:33:06 PM** Co-Chair Cannon
- 3:33:10 PM** Rep. Bailey
- 3:34:05 PM** Co-Chair Cannon
- 3:34:13 PM** {Exhibit} 4: Co-Chair Cannon
- 3:35:18 PM** VOTE: 8-0-0
- 3:35:20 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon
- 3:35:33 PM** Co-Chair Cannon
- 3:35:34 PM** The following written testimony was submitted for the record without public testimony:
- 3:35:35 PM** {Exhibit} 5: Marion Haynes, State Government Affairs, Portland General Electric
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- 3:35:46 PM** **HB 3516 - Work Session**
- 3:35:55 PM** Co-Chair Cannon
- 3:35:56 PM** {Exhibit} 6: Liz Puskar, Committee Administrator
- 3:36:42 PM** Co-Chair Cannon
- 3:37:06 PM** MOTION: Co-Chair Gilliam moves -5 amendments
- 3:37:20 PM** Co-Chair Cannon
- 3:37:28 PM** VOTE: 8-0-0
- 3:37:29 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon
- 3:37:30 PM** Co-Chair Cannon
- 3:37:32 PM** MOTION: Co-Chair Gilliam moves HB 3516 Do Pass as Amended
- 3:37:41 PM** Co-Chair Cannon
- 3:38:39 PM** VOTE: 8-0-0

- 3:38:41 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
**3:38:43 PM** CARRIER: REP. BEN CANNON will lead the discussion on the floor  
**3:38:44 PM** The following written testimony was submitted for the record without public testimony:  
**3:38:45 PM** {Exhibit} 7: Andrew Koyaanisqatsi, President, Solar Energy Solutions, Inc.
- 3:39:07 PM** **HB 3623 - Work Session**  
**3:39:09 PM** Co-Chair Cannon  
**3:39:15 PM** {Exhibit} 8: Liz Puskar, Committee Administrator  
**3:39:54 PM** Co-Chair Cannon  
**3:40:31 PM** Meeting Recessed  
**3:49:04 PM** Meeting Reconvened  
**3:49:12 PM** Co-Chair Cannon  
**3:49:09 PM** The following written testimony was submitted for the record without public testimony:  
**3:49:10 PM** {Exhibit} 9: Jim Myron, WaterWatch of Oregon and The Native Fish Society  
**3:49:11 PM** {Exhibit} 10: Gene McMullen, Bend, Oregon  
**3:49:13 PM** {Exhibit} 11: Gerald M. Hubbard, Executive Director, Upper Deschutes River Coalition  
**3:49:14 PM** {Exhibit} 12: John Mohlis, Executive Secretary, Oregon State Building and Construction Trades Council  
**3:49:14 PM** {Exhibit} 13: Doug Vakoc, Sunriver, Oregon
- 3:49:26 PM** **HB 3255 - Work Session**  
**3:49:37 PM** Co-Chair Cannon  
**3:49:47 PM** {Exhibit} 14: Liz Puskar, Committee Administrator  
**3:50:20 PM** Co-Chair Cannon  
**3:50:26 PM** MOTION: Co-Chair Gilliam moves -4 amendments  
**3:50:34 PM** Co-Chair Cannon  
**3:50:48 PM** VOTE: 8-0-0  
**3:50:51 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
**3:50:59 PM** MOTION: Co-Chair Gilliam moves HB 3255 Do Pass as Amended and be Referred to Joint Committee on Ways and Means  
**3:51:31 PM** Co-Vice Chair Krieger  
**3:51:33 PM** Co-Chair Cannon  
**3:52:04 PM** VOTE: 8-0-0  
**3:52:06 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
**3:52:07 PM** Co-Chair Cannon
- 3:52:27 PM** **HB 2196 - Work Session**  
**3:52:30 PM** Co-Chair Cannon  
**3:52:31 PM** {Exhibit} 15: Liz Puskar, Committee Administrator  
**3:53:09 PM** Co-Chair Cannon  
**3:53:12 PM** Rep. Bailey  
**3:54:08 PM** Co-Chair Gilliam

- 3:54:10 PM** Rep. Bailey  
**3:54:16 PM** MOTION: Co-Chair Gilliam moves -6 amendments  
**3:54:32 PM** Co-Chair Cannon  
**3:54:32 PM** VOTE: 8-0-0  
**3:54:32 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
**3:55:08 PM** MOTION: Co-Chair Gilliam moves HB 3145 Do Pass as Amended and Rescind the Referral to Revenue and be Referred to the Joint Committee on Tax Credits  
**3:55:23 PM** Co-Chair Cannon  
**3:55:37 PM** VOTE: 8-0-0  
**3:55:58 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon
- 3:56:17 PM** **HB 3342 - Work Session**  
**3:56:22 PM** Co-Chair Cannon  
**3:56:27 PM** Liz Puskar, Committee Administrator  
**3:57:05 PM** MOTION: Co-Chair Gilliam moves HB 3342 Do Pass  
**3:57:12 PM** Co-Chair Cannon  
**3:57:17 PM** VOTE: 8-0-0  
**3:57:42 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
**3:57:43 PM** CARRIER: REP. TIM FREEMAN will lead the discussion on the floor  
**3:57:46 PM** Co-Chair Cannon  
**3:57:47 PM** The following written testimony was submitted for the record without public testimony:  
**3:57:47 PM** {Exhibit} 16: David Hickerson, Owner, River City Cycle
- 3:58:29 PM** **HB 2873 - Work Session**  
**3:58:31 PM** Co-Chair Cannon  
**3:58:32 PM** Liz Puskar, Committee Administrator  
**3:59:13 PM** Co-Chair Cannon  
**3:59:25 PM** MOTION: Co-Chair Gilliam moves HB 2873 Do Pass  
**3:59:32 PM** Co-Chair Cannon  
**3:59:34 PM** Co-Vice Chair Krieger  
**4:01:17 PM** Co-Chair Cannon  
**4:01:18 PM** Rep. Bailey  
**4:01:57 PM** Rep. Witt  
**4:02:25 PM** Co-Vice Chair Krieger  
**4:02:36 PM** Co-Chair Cannon  
**4:04:03 PM** VOTE: 7-1-0  
**4:04:06 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam; NAY: Cannon  
**4:04:07 PM** CARRIER: REP. BRIAN CLEM will lead the discussion on the floor  
**4:04:39 PM** Meeting Recessed  
**4:08:59 PM** Meeting Reconvened  
**4:09:02 PM** Co-Chair Cannon  
**4:09:03 PM** The following written testimony was submitted for the record without public testimony:

4:09:04 PM {Exhibit} 17: Jim Myron, The Native Fish Society  
4:09:05 PM {Exhibit} 18: Mike Britton, District Manager, North Unit Irrigation District  
4:09:07 PM {Exhibit} 19: Tom Davis, Volunteer River Steward, Upper Deschutes, The Native Fish Society  
4:09:08 PM {Exhibit} 20: John MacDiarmid, Central Point, Oregon  
4:09:09 PM {Exhibit} 21: Alison Hamway, Oregon

4:09:11 PM **HB 3623 - Work Session**

4:09:15 PM Co-Chair Cannon  
4:09:33 PM MOTION: Co-Chair Gilliam moves -3 amendments  
4:09:43 PM Co-Chair Cannon  
4:09:54 PM Rep. Bentz  
4:10:02 PM Co-Chair Cannon  
4:10:11 PM VOTE: 8-0-0  
4:10:14 PM AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
4:10:22 PM MOTION: Co-Chair Gilliam moves HB 3623 Do Pass as Amended and be Referred to Joint Committee on Ways and Means  
4:10:53 PM Rep. Bailey  
4:11:12 PM Co-Chair Cannon  
4:11:51 PM VOTE: 7-1-0  
4:11:59 PM AYES: Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon; NAY: Bailey  
4:12:13 PM Co-Chair Cannon  
4:12:31 PM Meeting Recessed  
4:13:02 PM Meeting Reconvened

4:13:06 PM **HB 3538 - Work Session**

4:13:07 PM {Exhibit} 22: Co-Chair Cannon  
4:13:37 PM Liz Puskar, Committee Administrator  
4:14:09 PM Co-Chair Cannon  
4:14:26 PM Bob Shiprack, Member, Energy Facilities Siting Council  
4:16:17 PM Co-Chair Cannon  
4:16:26 PM Shiprack  
4:16:53 PM Rep. Bailey  
4:17:29 PM Ben Vitale, President, The Climate Trust  
4:18:13 PM Rep. Bailey  
4:18:29 PM Vitale  
4:18:47 PM Co-Chair Cannon  
4:18:53 PM MOTION: Co-Chair Gilliam moves -5 amendments  
4:19:01 PM Co-Chair Cannon  
4:19:27 PM Rep. Bailey  
4:20:11 PM Co-Chair Cannon  
4:20:15 PM VOTE: 7-1-0  
4:20:30 PM AYES: Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon; NAY: Bailey  
4:20:32 PM Co-Chair Cannon

- 4:20:38 PM** MOTION: Co-Chair Gilliam moves that the rules be suspended for the purpose taking action on HB 3538 without having the Fiscal Impact Statement
- 4:20:55 PM** Co-Chair Cannon
- 4:20:59 PM** VOTE: 8-0-0
- 4:21:19 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon
- 4:21:22 PM** MOTION: Co-Chair Gilliam moves HB 3538 Do Pass as Amended and Rescind the Referral to Joint Committee on Ways and Means
- 4:21:38 PM** Co-Chair Cannon
- 4:22:10 PM** VOTE: 8-0-0
- 4:22:17 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon
- 4:22:26 PM** CARRIER: REP. CHRIS HARKER will lead the discussion on the floor
- 4:22:35 PM** Co-Chair Cannon
- 4:22:49 PM** Meeting Recessed
- 4:29:14 PM** Meeting Reconvened
- 4:29:20 PM** Co-Chair Cannon
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- 4:29:24 PM** **HB 3165 - Work Session**
- 4:29:26 PM** Co-Chair Cannon
- 4:29:28 PM** {Exhibit} 23: Liz Puskar, Committee Administrator
- 4:30:28 PM** Co-Chair Cannon
- 4:30:33 PM** MOTION: Co-Chair Gilliam moves -4 amendments
- 4:30:56 PM** Co-Chair Cannon
- 4:31:06 PM** VOTE: 8-0-0
- 4:31:10 PM** AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon
- 4:31:15 PM** Co-Chair Cannon
- 4:31:26 PM** MOTION: Co-Chair Gilliam moves HB 3165 Do Pass as Amended and be Referred to Joint Committee on Ways and Means
- 4:31:42 PM** Co-Chair Cannon
- 4:31:44 PM** {Exhibit} 24 - 25: Co-Chair Cannon
- 4:33:17 PM** Co-Chair Gilliam
- 4:34:02 PM** Co-Chair Cannon
- 4:34:06 PM** VOTE: 5-2-0
- 4:34:24 PM** AYES: Bentz, Thompson, Witt, Boone, Krieger, Gilliam; NAYS: Bailey, Cannon
- 4:34:47 PM** Meeting Recessed
- 4:35:41 PM** Meeting Reconvened
- 4:35:47 PM** Co-Chair Cannon
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- 4:35:51 PM** **HB 2522 - Work Session**
- 4:36:02 PM** Co-Chair Cannon
- 4:36:03 PM** {Exhibit} 26: Liz Puskar, Committee Administrator
- 4:36:34 PM** MOTION: Co-Chair Gilliam moves -3 amendments
- 4:36:39 PM** Co-Chair Cannon
- 4:36:48 PM** Co-Chair Gilliam
- 4:37:15 PM** Co-Chair Cannon

4:38:44 PM VOTE: 8-0-0  
4:38:45 PM AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
4:39:04 PM MOTION: Co-Chair Gilliam moves HB 2522 Do Pass as Amended and be Referred to Joint Committee on Tax Credits  
4:39:42 PM Co-Chair Cannon  
4:39:59 PM Rep. Bailey  
4:40:21 PM Co-Chair Cannon  
4:41:17 PM VOTE: 8-0-0  
4:41:19 PM AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
4:41:27 PM Co-Chair Cannon  
4:41:27 PM Meeting Recessed  
4:58:07 PM Meeting Reconvened  
4:58:14 PM Co-Chair Cannon  
  
4:58:23 PM **HB 3597 - Work Session**  
4:58:27 PM Co-Chair Cannon  
4:58:30 PM MOTION: Co-Chair Gilliam moves -1 amendments  
4:58:42 PM Co-Chair Cannon  
4:58:43 PM VOTE: 8-0-0  
4:58:46 PM AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
4:58:59 PM Co-Chair Cannon  
4:59:09 PM MOTION: Co-Chair Gilliam moves HB 3597 Do Pass as Amended and be Referred to Joint Committee on Tax Credits  
4:59:26 PM Co-Chair Cannon  
4:59:29 PM Rep. Bailey  
4:59:51 PM Co-Chair Cannon  
5:00:12 PM VOTE: 8-0-0  
5:00:14 PM AYES: Bailey, Bentz, Thompson, Witt, Boone, Krieger, Gilliam, Cannon  
5:00:16 PM Co-Chair Cannon  
5:00:20 PM Meeting Recessed  
5:02:09 PM Meeting Reconvened  
  
5:02:22 PM **HJR 29 - Work Session**  
5:02:25 PM Co-Chair Cannon  
5:02:28 PM MOTION: Co-Chair Gilliam moves HJR 29 without recommendation to the House Committee on Rules and Rescind the Referral to Joint Committee on Ways and Means  
5:02:59 PM Co-Chair Cannon  
5:03:06 PM Rep. Bentz  
5:03:29 PM Rep. Bailey  
5:03:35 PM Co-Chair Cannon  
5:03:40 PM VOTE: 7-0-1  
5:04:04 PM AYES: Bailey, Bentz, Thompson, Witt, Boone, Gilliam, Cannon;  
EXCUSED: Krieger  
5:04:26 PM Co-Chair Cannon  
5:04:36 PM Meeting Recessed

5:05:07 PM Meeting Reconvened  
5:05:13 PM Meeting Adjourned by Co-Chair Cannon

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### Exhibit Summary

3:22:25 PM {Exhibit} 1: HB 3145, -2 amendments, staff, 6 pp  
3:28:29 PM {Exhibit} 2: HB 3595, -4 amendments, staff, 2 pp  
3:28:29 PM {Exhibit} 3: HB 3595, -6 amendments, staff, 2 pp  
3:34:13 PM {Exhibit} 4: HB 3595, letter from Jerry Lidz, Katy Coba and Roy Elicker, staff, 2 pp  
3:35:35 PM {Exhibit} 5: HB 3595, written testimony, Marion Haynes, 1 p  
3:35:56 PM {Exhibit} 6: HB 3516, -5 amendments, staff, 2 pp  
3:38:45 PM {Exhibit} 7: HB 3516, -written testimony, Andrew Koyaanisqatsi, 1 p  
3:39:15 PM {Exhibit} 8: HB 3623, -3 amendments, staff, 2 pp  
3:49:10 PM {Exhibit} 9: HB 3623, written testimony, Jim Myron, 1 p  
3:49:11 PM {Exhibit} 10: HB 3623, written testimony, Gene McMullen, 1 p  
3:49:13 PM {Exhibit} 11: HB 3623, written testimony, Gerald M. Hubbard, 1 p  
3:49:14 PM {Exhibit} 12: HB 3623, written testimony, John Mohlis, 1 p  
3:49:14 PM {Exhibit} 13: HB 3623, written testimony, Doug Vakoc, 1 p  
3:49:47 PM {Exhibit} 14: HB 3255, -4 amendments, staff, 2 pp  
3:52:31 PM {Exhibit} 15: HB 2196, -6 amendments, staff, 2 pp  
3:57:47 PM {Exhibit} 16: HB 3342, written testimony, David Hickerson, 1 p  
4:09:04 PM {Exhibit} 17: HB 2873, written testimony, Jim Myron, 1 p  
4:09:05 PM {Exhibit} 18: HB 2873, written testimony, Mike Britton, 1 p  
4:09:07 PM {Exhibit} 19: HB 2873, written testimony, Tom Davis, 2 pp  
4:09:08 PM {Exhibit} 20: HB 2873, written testimony, John MacDiarmid, 1 p  
4:09:09 PM {Exhibit} 21: HB 2873, written testimony, Alison Hamway, 1 p  
4:13:07 PM {Exhibit} 22: HB 3538, -5 amendments, staff, 17 pp  
4:29:28 PM {Exhibit} 23: HB 3165, -4 amendments, staff, 3 pp  
4:31:44 PM {Exhibit} 24: HB 3165, written testimony of National Oceanic and Atmospheric Administration, Bruce Suzumoto, 2 pp  
4:31:44 PM {Exhibit} 25: HB 3165, written testimony of Corps of Engineers, Department of the Army, Kevin J. Brice, 1 p  
4:36:03 PM {Exhibit} 26: HB 2522, -3 amendments, staff, 14 pp

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