

HOUSE COMMITTEE ON ENERGY AND THE ENVIRONMENT

TAPE LOG

April 30, 2007
1:00 P.M.

Hearing Room C
Tapes 92 - 95

MEMBERS PRESENT:
Rep. Jackie Dingfelder, Chair
Rep. Chuck Burley, Vice-Chair
Rep. Ben Cannon, Vice-Chair
Rep. E. Terry Beyer
Rep. Bob Jenson
Rep. Greg Macpherson
Rep. Greg Smith

STAFF PRESENT:
Cat McGinnis, Committee Administrator
Beth Patrino, Committee Administrator
Ian Tolleson, Committee Assistant

Measures or Issues Heard:
SB 838A – Work Session
HB 3543 – Work Session
HB 3500 – Work Session
HB 2564 – Work Session
HB 3203 – Work Session
HB 2566 – Work Session

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

TAPE # AND SIDE	COUNTER NUMBER	BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER
TAPE 92		Chair Dingfelder calls the meeting to order at 1:13 p.m.
<u>SB 838A – WORK SESSION</u>		
	012	Dave Heynderickx, Legislative Counsel (EXHIBIT A)
	046	Chair Dingfelder
	048	Heynderickx
	058	Rep. Burley
	065	Heynderickx
	075	Rep. Burley
	088	Heynderickx
	096	Rep. Cannon
	097	Heynderickx

92A

099 Rep. Cannon
101 Heynderickx
116 Rep. Cannon
121 Heynderickx
162 Rep. Cannon
166 Heynderickx
178 Rep. Burley
180 Heynderickx
212 Chair Dingfelder
215 Heynderickx
273 Chair Dingfelder
276 Heynderickx
336 Chair Dingfelder
337 Heynderickx
379 Chair Dingfelder
392 Lee Sparling, Public Utility Commission
425 Chair Dingfelder
432 Sparling
470 Rep. Burley

93A

018 Sparling
030 Chair Dingfelder
032 **MOTION: Rep. Burley moves to ADOPT SB 838A-30
amendments dated 4/23/07.**
050 Rep. Cannon
057 Rep. Macpherson
061 Chair Dingfelder
071 **VOTE: 3-4-0**
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder, declares the motion FAILED.
073 **MOTION: Rep. Burley moves to ADOPT SB 838A-41
amendments dated 4/25/07.**
097 Rep. Macpherson
108 Chair Dingfelder
111 **VOTE: 3-4-0**
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder, declares the motion FAILED.
114 **MOTION: Rep. Burley moves to ADOPT SB 838A-59
amendments dated 4/27/07.**
117 Chair Dingfelder

93A

122 **VOTE: 3-4-0**
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder, declares the motion **FAILED**.

125 **MOTION:** Rep. Burley moves to **ADOPT SB 838A-60**
amendments dated 4/27/07.

142 **VOTE: 3-4-0**
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder, declares the motion **FAILED**.

145 Chair Dingfelder

147 **MOTION:** Rep. Burley moves to **ADOPT SB 838A-19**
amendments dated 4/16/07.

174 Rep. Macpherson

190 Rep. Jenson

200 **VOTE: 3-4-0**
AYE: 3 - Burley, Jenson, Smith G.
NAY: 4 - Beyer, Cannon, Macpherson, Dingfelder
Chair Dingfelder, declares the motion **FAILED**.

206 Chair Dingfelder

208 Rep. Burley

214 Chair Dingfelder

215 **MOTION:** Rep. Cannon moves to **ADOPT SB 838A-43**
amendments dated 4/25/07.

217 Chair Dingfelder

220 Rep. Cannon

225 **VOTE: 7-0-0**
AYE: 7 - Beyer, Burley, Cannon, Jenson, Macpherson,
Smith G., Dingfelder
Chair Dingfelder, declares the motion **CARRIED**.

229 **MOTION:** Rep. Cannon moves to **ADOPT SB 838-44** amendments
dated 4/25/07.

230 Chair Dingfelder

234 Rep. G. Smith

236 Rep. Burley

259 Chair Dingfelder

164 **VOTE: 7-0-0**
AYE: 7 - Beyer, Burley, Cannon, Jenson, Macpherson,
Smith G., Dingfelder
Chair Dingfelder, declares the motion **CARRIED**.

266 **MOTION:** Rep. Cannon moves to **ADOPT SB 838A-46**
amendments dated 4/25/07.

267 Chair Dingfelder

269 Rep. Cannon

93A 274 Chair Dingfelder
 283 **VOTE: 7-0-0**
AYE: 7 - Beyer, Burley, Cannon, Jenson, Macpherson, Smith G., Dingfelder
Chair Dingfelder, declares the motion CARRIED.
 286 **MOTION: Rep. Cannon moves to ADOPT SB 838A-48 amendments dated 4/25/07.**

287 Chair Dingfelder
 288 Rep. Cannon
 292 Chair Dingfelder
 297 **VOTE: 7-0-0**
AYE: 7 - Beyer, Burley, Cannon, Jenson, Macpherson, Smith G., Dingfelder
Chair Dingfelder, declares the motion CARRIED.
 299 **MOTION: Rep. Cannon moves to ADOPT SB 838A-53 amendments dated 4/26/07.**

302 Chair Dingfelder
 307 Heynderickx
 318 Chair Dingfelder
 322 Heynderickx
 325 **VOTE: 6-1-0**
AYE: 6 - Beyer, Cannon, Jenson, Macpherson, Smith G., Dingfelder
NAY: 1 - Burley
Chair Dingfelder, declares the motion CARRIED.
 329 Chair Dingfelder
 338 **MOTION: Rep. Cannon moves to ADOPT SB 838A-63 amendments dated 4/30/07.**

339 Chair Dingfelder
 340 Rep. Cannon
 358 **VOTE: 4-3-0**
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder, declares the motion CARRIED.
 360 **MOTION: Rep. Cannon moves SB 838A to the floor with a DO PASS AS AMENDED recommendation.**

362 **VOTE: 4-3-0**
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder, declares the motion CARRIED.
 365 Chair Dingfelder

HB 3543 - WORK SESSION

410 David Van't Hof, Governor's Office (EXHIBIT B)

92B 026 Chair Dingfelder

92B 027 Rep. Burley
031 Van't Hof
039 Rep. G. Smith
041 Van't Hof
050 Rep. G. Smith
058 Van't Hof
065 Rep. Burley
070 Van't Hof
081 Chair Dingfelder
086 **MOTION: Rep. Cannon moves to ADOPT HB 3543-2 amendments dated 4/30/07.**
088 Chair Dingfelder
089 Rep. G. Smith
094 Rep. Burley
106 Chair Dingfelder
128 **VOTE: 5-2-0**
AYE: 5 - Beyer, Cannon, Macpherson, Smith G., Dingfelder
NAY: 2 - Burley, Jenson
Chair Dingfelder, declares the motion CARRIED.
134 **MOTION: Rep. Cannon moves HB 3543 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways & Means BE RESCINDED.**
136 Chair Dingfelder
139 Rep. Cannon
151 Rep. Jenson
206 Rep. G. Smith
226 Rep. Cannon
251 Rep. Jenson
278 Chair Dingfelder
298 **VOTE: 4-3-0**
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder, declares the motion CARRIED.
305 Rep. Jenson
309 Chair Dingfelder
HB 3500 - WORK SESSION
323 **MOTION: Rep. Cannon moves HB 3500 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by prior reference.**

92B 325 Chair Dingfelder
 327 **VOTE: 5-1-1**
AYE: 5 - Beyer, Cannon, Macpherson, Smith G.,
Dingfelder
NAY: 1 - Jenson
EXCUSED: 1 - Burley
Chair Dingfelder, declares the motion CARRIED.
 342 Rep. Jenson

HB 2564 – Work Session

352 Chair Dingfelder
 364 Tom Quintal, citizen
 445 Chair Dingfelder
 93B 009 Beth Patrino, Committee Administrator (**EXHIBIT C**)
 048 Chair Dingfelder
 049 Rep. Jenson
 099 Chair Dingfelder
 103 Debbie Colbert, Oregon Water Resources Department
 112 Chair Dingfelder
 121 Melissa Leoni, Oregon Watershed Enhancement Board
 127 Rep. Jenson
 139 Chair Dingfelder
 142 Rep. Jenson
 147 Chair Dingfelder
 150 Rep. Cannon
 156 Colbert
 160 Rep. Cannon
 163 Colbert
 171 Chair Dingfelder
 172 **MOTION: Rep. Jenson moves to ADOPT HB 2564-4 amendments**
dated 4/30/07 and that the measure be FURTHER
AMENDED on page 2, line 3, by changing "shall" to
"may".
VOTE: 7-0-0
Chair Dingfelder, hearing no objection, declares the motion
CARRIED.
 176 Rep. Macpherson

181 **MOTION: Rep. Jenson moves HB 2564-4 with the conceptual**
amendment to the floor with a DO PASS AS
AMENDED recommendation.

181 **VOTE: 6-1-0**
AYE: 6 - Beyer, Burley, Cannon, Jenson, Macpherson,
Dingfelder

93B
184
196
196
217
94A 001

NAY: 1 - Smith G.
Chair Dingfelder, declares the motion CARRIED.
Chair Dingfelder

**MOTION: Rep. Jenson moves HB 2564 to the floor with a DO
PASS AS AMENDED recommendation.**

VOTE: 4-3-0
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder, declares the motion CARRIED.
Chair Dingfelder recesses meeting at 3:02 pm
Chair Dingfelder reconvenes meeting at 5:19 pm

HB 3203 – Work Session

005 Cat McGinnis, Committee Administrator
008 Chair Dingfelder
011 Willie Tiffany, League of Oregon Cities (EXHIBIT D)
103 Kimberley Presley, Water Watch of Oregon
106 Chair Dingfelder
108 Tiffany
119 Rep. Burley
129 Tiffany
147 Presley
157 Rep. Burley
169 Tiffany
181 Chair Dingfelder
184 Tiffany
196 Rep. Jenson
207 Chair Dingfelder
210 Tiffany
217 Chair Dingfelder
219 Debbie Colbert, Oregon Water Resources Department
225 Chair Dingfelder
229 Rep. Jenson
242 Chair Dingfelder recess HB 3203work session
250 Rep. Jenson
254 Chair Dingfelder
255 Rep. Burley

HB 2566 – WORK SESSION

262 Chair Dingfelder
268 **MOTION: Rep. Cannon moves to ADOPT HB 2566-2
amendments dated 4/27/07.**

94A

271 Chair Dingfelder
 273 Rep. Macpherson
 292 **VOTE: 4-3-0**
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder, declares the motion CARRIED.
 307 **MOTION: Rep. Burley moves to ADOPT HB 2566-3 amendments dated 4/30/07.**

308 Chair Dingfelder
 310 Rep. Burley
 312 Chair Dingfelder
 314 Richard Kosesan, Water for Life (EXHIBIT E)
 330 Chair Dingfelder
 338 Kosesan
 360 Chair Dingfelder
 375 Rep. Burley
 386 Chair Dingfelder
 410 Rep. Cannon
 415 Chair Dingfelder
 418 **MOTION: Rep. Dingfelder moves to AMEND the motion to ADOPT HB 2566-3 amendments dated 4/30/07 by FURTHER AMENDING the -3 amendments on page 1, line 1&2, by deleting "On page 1 of the printed bill, line 2, delete "amending ORS 537.545;". Delete lines 4 through 31 and delete page 2 and insert:" and by inserting "the -3 amendments between sections 4 & 5 of the -2 amendments with the exception of the emergency clause."**

459 Chair Dingfelder
 464 Rep. Cannon
 477 Chair Dingfelder

95A 011 Rep. Jenson
 019 Chair Dingfelder
 025 **VOTE: 4-3-0**
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder, declares the motion CARRIED.

031 Chair Dingfelder
 033 Rep. Jenson
 041 Rep. Macpherson
 045 Chair Dingfelder
 046 **MOTION: Rep. Macpherson moves to ADOPT HB 2566-3 conceptual amendments dated 4/30/07.**

95A 048 Chair Dingfelder
049 Rep. Jenson
053 Rep. Macpherson
054 Chair Dingfelder
058 **VOTE: 5-2-0**
AYE: 5 - Beyer, Cannon, Jenson, Macpherson, Dingfelder
NAY: 2 - Burley, Smith G.
Chair Dingfelder, declares the motion CARRIED.
060 **MOTION: Rep. Cannon moves HB 2566 to the floor with a DO**
PASS AS AMENDED recommendation.
063 Chair Dingfelder
066 Rep. Burley
080 Chair Dingfelder
081 Rep. Jenson
097 Rep. Beyer
106 **VOTE: 4-3-0**
AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
NAY: 3 - Burley, Jenson, Smith G.
Chair Dingfelder, declares the motion CARRIED.
114 Chair Dingfelder adjourns meeting at 5:58 pm
130 **MOTION: Rep. Dingfelder moves to SUSPEND the rules for the**
purpose to re-open the committee meeting and to
reopen the work session on HB 3203.
VOTE: 6-0-1
EXCUSED: 1 - Rep. G. Smith
Chair Dingfelder, hearing no objection, declares the motion
CARRIED.

HB 3203 – Work Session

131 Chair Dingfelder reconvenes work session on HB 3203
142 Willie Tiffany, League of Oregon Cities (EXHIBIT F)
164 Chair Dingfelder
165 **MOTION: Rep. Macpherson moves to ADOPT HB 3203-1**
amendments dated 4/30/07 and that the measure be
FURTHER AMENDED on page 2, by inserting "the
changes on the hand engrossed version 2 of the -1
amendments".
169 **VOTE: 5-1-1**
AYE: 5 - Beyer, Cannon, Jenson, Macpherson, Dingfelder
NAY: 1 - Burley
EXCUSED: 1 - Smith G.
Chair Dingfelder, declares the motion CARRIED.
174 **MOTION: Rep. Macpherson moves HB 3203 to the floor with a**
DO PASS AS AMENDED recommendation.
176 Chair Dingfelder

95A

180 Rep. Jenson
 188 Chair Dingfelder
 198 Tiffany
 201 Rep. Burley
 214 Chair Dingfelder
 216 Tiffany
 228 Rep. Burley
 235 Rep. Macpherson
 239 Tiffany
 246 Chair Dingfelder
 252 VOTE: 4-2-1
 AYE: 4 - Beyer, Cannon, Macpherson, Dingfelder
 NAY: 2 - Burley, Jenson
 EXCUSED: 1 - Smith G.
 Chair Dingfelder, declares the motion CARRIES.

The following prepared testimony is submitted for the record without public testimony:

Mike Gaudern, Oregon Small Woodlands Association (EXHIBIT G)
 Staff (EXHIBIT H)

Pat Larson, Union County Cattlemen (EXHIBIT I)

259

Chair Dingfelder adjourns meeting at 6:15 pm

EXHIBIT SUMMARY

- A. SB 838A, amendment packet, Dave Heynderickx, 23 pp
- B. HB 3543, -2 amendments, David Van't Hof, 11 pp
- C. HB 2564, -4 amendments, Staff, 6 pp
- D. HB 3203, -1 amendments, Willie Tiffany, 3 pp
- E. HB 2566, -3 amendments, Richard Kosesan, 3 pp
- F. HB 3203, -2 amendments, Willie Tiffany, 2 pp
- G. HB 3543, written testimony, Mike Gaudern, 5 pp
- H. HB 2564, e-mails, Staff, 15 pp
- I. SB 838A, written testimony, Pat Larson, 1 p