

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

April 18, 2005
3:00 P.M.

Hearing Room B
Tape 83

MEMBERS PRESENT: Sen. Charlie Ringo, Chair
Sen. Jason Atkinson, Vice-Chair
Sen. Roger Beyer
Sen. Ginny Burdick

MEMBER EXCUSED: Sen. Frank Shields

MEMBER VISITING: President Peter Courtney

STAFF PRESENT: Matt Shields, Committee Administrator
Katie Lowry, Committee Assistant

MEASURES/ISSUES HEARD:
SB 688 – Public Hearing and Work Session
SB 861 – Work Session
HB 2178A – Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 83, A		
005	Chair Ringo	Calls meeting to order at 3:05 p.m. and opens public hearing on SB 688.
<u>SB 688 – PUBLIC HEARING</u>		
	Matt Shields	Committee Administrator. Submits SB 688-1 amendments for the record (EXHIBIT A) .
012	Tom Gallagher	Urban Developer Coalition. Requests that the -1 amendments be adopted. Explains that they are amending ORS 94.504. Explains that SB 688-1 allows development agreements to be used for more than residential housing. Gives details of how development agreements would work. Discusses timeline for city and county under SB 688 with the -1 amendments.
035	Chair Ringo	Asks about reason for allowing a longer timeline for the city.
036	Gallagher	Responds that the longer term developments are usually inside the urban growth boundaries.
037	Gallagher	States that the League of Oregon Cities has authorized him to say that they are in agreement with SB 688 with the -1 amendments. States that the Association of Oregon Counties is also in agreement with SB 688 with the -1 amendments. States that the Land Conservation and Development Commission is in agreement with SB 688 with the -1 amendments as long as the term vesting is not used.
041	Chair Ringo	Verifies that currently development agreements are allowed for residential properties but not for commercial or industrial properties.
042	Gallagher	Explains.

043	Chair Ringo	Closes public hearing on SB 688 and opens work session on SB 688.
<u>SB 688 – WORK SESSION</u>		
045	Sen. Beyer	MOTION: Moves to ADOPT SB 688-1 amendments dated 04/07/05. VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Shields Hearing no objection, declares the motion CARRIED.
049	Chair Ringo	
050	Sen. Beyer	MOTION: Moves SB 688 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Shields Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.
053	Chair Ringo	
054	Chair Ringo	Closes public hearing on SB 688 and opens work session on SB 861.
<u>SB 861 – WORK SESSION</u>		
	Matt Shields	Committee Administrator. Submits SB 861-1 amendments for the record (EXHIBIT B) .
060	Ted E. Keizer	Legislative Assistant, Sen. Joanne Verger’s office. Explains the - 1 amendments.
065	Sen. Burdick	Asks witness to elaborate on the reasons for the changes in the -1 amendments.
066	Keizer	Explains that Sen. Whitsett thought that the words “through foraging” made SB 861 vague and more broad than originally intended.
070	Sen. Burdick	MOTION: Moves to ADOPT SB 861-1 amendments dated 03/24/05. VOTE: 3-1-2 AYE: 3 - Burdick, President Courtney, Ringo NAY: 1 - Beyer EXCUSED: 2 - Atkinson, Shields The motion CARRIES.
073	Chair Ringo	
075	Sen. Burdick	MOTION: Moves SB 861 to the floor with a DO PASS AS AMENDED recommendation.
080	Chair Ringo	VOTE: 3-1-2 AYE: 3 - Burdick, President Courtney, Ringo NAY: 1 - Beyer EXCUSED: 2 - Atkinson, Shields The motion CARRIES. SEN. VERGER will lead discussion on the floor.
083	Chair Ringo	
086	Chair Ringo	Closes work session on SB 861 and opens public hearing on HB 2178A.
<u>HB 2178 A – PUBLIC HEARING</u>		
090	Adam Sussman	Senior Policy Coordinator, Oregon Water Resources Department. Gives background information on HB 2178 A. Discusses process to obtain a water rights permit. Submits and discusses written testimony in support of HB 2178 A (EXHIBIT C) .
147	Doug Myers	WaterWatch. States that WaterWatch supports HB 2178 A. Explains that it was amended in the House to address concerns they had with the bill.
150	Chair Ringo	Asks witness to explain the amendments that satisfied WaterWatch’s concerns.

151	Myers	Responds lines 26-28 on page one and lines 1-3 on page two of HB 2178 A.
154	Chair Ringo	Verifies that, since the person already has a permitted right to the water, they will get the second permit, and this is a matter of whether they can get the second permit sooner.
158	Sussman	Replies that in some cases it is the same person's reservoir, and in other cases it may not be. Gives example. Replies that the process does go faster and prevents the Water Resources Department from having to do unnecessary work.
163	Chair Ringo	Verifies that HB 2178 A is applying to a case where a permit has already been approved, allowing that water user to use the specified water.
166	Sussman	Confirms that there would already be an existing right to store water and this is a secondary right to use the stored water.
170	Sen. Beyer	States that he has two versions of HB 2178 A. Says there is an A-engrossed bill and a corrected A-engrossed bill.
175	Chair Ringo	States that he only has the corrected A-engrossed version.
176	Sen. Burdick	States that she has both versions of HB 2178A.
177	Sussman	Explains typographical error which resulted in the corrected version of the A-engrossed bill.
186	Sen. Beyer	Asks which version passed the House.
187	Sussman	Replies the corrected A-engrossed version.
188	Chair Ringo	Asks what the typographical error was.
189	Sussman	Refers to page 2, line 16. Explains in detail. States that on line 19, the word operator said owner also.
204	Chair Ringo	Verifies that line 19 contained the word owner instead of the word operator.
206	Sussman	Replies that is correct.
210	Sen. Beyer	Asks if the amendment had the word owner on it when it came out of committee.
215	Sussman	States that the committee voted on the version with the word operator which is the corrected A-engrossed version. Says that the committee understood there was a typographical error and there would be a corrected version. States that the corrected version was reprinted and moved to the House floor.
223	Chair Ringo	Verifies that the committee voted based on a conceptual amendment and that amendment wasn't printed in the original version of HB 2178.
226	Sen. Beyer	Makes comments. Ask why it had to be reprinted. Says that is probably a question for Legislative Counsel.
233	Sen. Burdick	Remarks that it would have to have been sent back to the committee.
234	Sen. Beyer	Wants to know what was actually voted on in the House floor.
235	Sen. Burdick	Verifies history of HB 2178 A.
242	Sussman	Explains that in committee, the -1 amendments were found to have the word owner instead of operator and the committee made a conceptual amendment to change the word from owner to operator. Explains that then the bill was voted out of committee. Says that HB 2178 was printed as an A-engrossed version, but still contained the word owner instead of operator. Says that it was a printing error, and it was sent back and the corrected A-engrossed version was printed. States that the corrected A-engrossed version is what was sent to the House floor.
260	Sen. Burdick	States that conceptual amendments are always risky.

261	Myers	Comments that Brendan McCarthy from Legislative Counsel was there and did the correction in committee, but that it was just printed incorrectly.
263	Chair Ringo	Asks if committee is comfortable with HB 2178 A.
264	Sen. Beyer	Replies yes and makes comments.
270	Sen. Burdick	Remarks that it is better not to do conceptual amendments.
271	Sen. Beyer	Says that it is better to send it back to committee and have a B-engrossed version.
280	Chair Ringo	Agrees. Closes public hearing on HB 2178 A and opens work session on HB 2178 A.
<u>HB 2178 A – WORK SESSION</u>		
281	Sen. Beyer	MOTION: Moves HB 2178A to the floor with a DO PASS recommendation.
		VOTE: 3-0-2
		EXCUSED: 2 - Atkinson, Shields
283	Chair Ringo	Hearing no objection, declares the motion CARRIED.
		SEN. BEYER will lead discussion on the floor.
285	Chair Ringo	Closes work session on HB 2178A and adjourns meeting at 3:26 p.m.

EXHIBIT SUMMARY

- A. SB 688, -1 amendments, Staff, 2 pp**
- B. SB 861, -1 amendments, Staff, 1 p**
- C. HB 2178A, written testimony, Adam Sussman, 2 pp**