

SENATE COMMITTEE ON WATER AND LAND USE

March 19, 2003
3:00 PM

Hearing Room D
Tapes 30 – 31

MEMBERS PRESENT: **Sen. Ted Ferrioli, Chair**
 Sen. Charlie Ringo, Vice-Chair
 Sen. Jason Atkinson
 Sen. Rick Metsger

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Megan Jensen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 310 Work Session**
 SB 94 Public Hearing and Work Session
 SB 398 Public Hearing
 SB 590 Public Hearing

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 30, A		
003	Chair Ferrioli	Calls meeting to order at 3:07 p.m. and opens work session on SB 310.
<u>SB 310 - WORK SESSION</u>		
010	Judith Callens	Committee Administrator. Provides overview of SB 310, which requires the county to take action on permits within the Columbia River Gorge National Scenic Area within specific time limitations.
015	Chair Ferrioli	Summarizes SB 310. States that Multnomah County has found no conflict between state and county statutes. Discusses the Columbia River Gorge Commission response (EXHIBIT A).
043	Sen. Metsger	MOTION: Moves SB 310 to the floor with a DO PASS recommendation.
048	Sen. Metsger	Comments that SB 310 will encourage the state of Oregon to follow the 150 day rule.
060	Chair Ferrioli	Asks for objections to the motion.
066	Sen. Ringo	Expresses his intent to object to the motion to pass SB 310.
074	Chair Ferrioli	States that SB 310 will be unnecessary if confirmation is obtained that there is no conflict between federal and state law.
076	Sen. Atkinson	Expresses concern that the bill is redundant.
080		VOTE: 3-1 AYE: 3 - Atkinson, Metsger, Ferrioli NAY: 1 - Ringo
088	Chair Ferrioli	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
<u>SB 94 – PUBLIC HEARING</u>		
090	Callens	Gives overview of SB 94, which adds criteria for determining when an application to a city for discretionary permits and zone changes is deemed complete for purposes of time limits for action by a city. Explains the -3 amendments (EXHIBIT B).

120	Chair Ferrioli	Requests comments from proponents of the bill.
150	Marge Kafoury	City of Portland. Submits -4 amendments to SB 94 and explains that the -4 amendments satisfy all involved parties (EXHIBIT C)
175	Douglas Hardy	City of Portland Bureau of Development Services. Provides testimony in support of SB 94 and -4 amendments (EXHIBIT D). Discusses the 120 day clause and -4 amendments.
280	Doug Riggs	Central Oregon Cities. Offers testimony in support of SB 94 and -4 amendments.
299	John Chandler	Oregon Building Industry Association. Offers testimony in support of SB 94 and -4 amendments.
325	Linda Ludwig	League of Oregon Cities. Gives testimony in support of SB 94 and -4 amendments.
328	Chair Ferrioli	Closes public hearing on SB 94 and opens work session on SB 94.

SB 94 – WORK SESSION

330	Sen. Ringo	MOTION: Moves to ADOPT SB 94-4 amendments dated 3/19/03.
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335 **VOTE: 3-0**

EXCUSED: 1 - Sen. Atkinson

338	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
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340	Sen. Ringo	MOTION: Moves SB 94 to the floor with a DO PASS AS AMENDED recommendation.
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345 **VOTE: 3-0**

EXCUSED: 1 - Sen. Atkinson

350	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
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SEN. RINGO will lead discussion on the floor.

Closes work session on SB 94 and opens public hearing on SB 398.

SB 398 – PUBLIC HEARING

362	Judith Callens	Committee Administrator. Provides overview of SB 398, which requires the state government to obtain the consent of county governing body for certain acquisitions of lands or waters by the federal government, and -1 amendments (EXHIBIT F).
403	Glen Stonebrink	Oregon Cattlemen Association, Oregon Hay and Forage Association. Provides testimony in support of SB 398 (EXHIBIT G). Talks about the acquisition of land by the federal government and discusses the U.S. Constitution.

TAPE 31, A

005	Stonebrink	Continues testimony in support of SB 398.
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050	Doug Myers	Waterwatch, Trout Unlimited. Expresses concerns on SB 398. Wonders if the bill would inadvertently and adversely affect a transfer between a willing buyer and a willing seller.
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080	Chair Ferrioli	States that the bill does not preclude the acquisition of water or lands by the federal government by the state but would require the county to give consent.
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093	Myers	Expresses concern about unintended consequences of SB 398.
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101	Sen. Ringo	Points out that the transaction should go through between a willing buyer and a willing seller.
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113	Chair Ferrioli	Comments on the issue of whether local jurisdictions have the right to be consulted throughout the process.
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117	Sen. Ringo	Talks about an example in Multnomah County.
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128	Chair Ferrioli	States that participation should be encouraged for discussion on environmental, social and economic conditions. Suggests that
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Legislative Counsel revisit the amendments. Closes public hearing on SB 398 and opens public hearing on SB 590.

SB 590 – PUBLIC HEARING

167	Callens	Provides overview of SB 590, which requires the Water Resources Commission (WRC) to initiate proceedings for the cancellation of a water right within 45 days of determination by WRC or by submission to WRC of evidence of water right forfeiture.
192	Brad Harper	Water for Life. Provides testimony in support of SB 590. Would like the cancellation proceedings to start in a timely manner and states that the fiscal impact statement is inaccurate.
208	Chair Ferrioli	Requests Water for Life provide an analysis of the fiscal impact statement to address issues regarding the cancellation of water rights.
232	Sen. Ringo	Asks about what evidence can be submitted to begin cancellation proceedings.
236	Chair Ferrioli	Requests Water for Life provide a definition of triggering mechanisms for time frames and discusses making more reasonable and certain the cancellation of water rights.
248	Callens	Mentions the subsequent referral of SB 590 to Ways and Means.
253	Chair Ferrioli	Closes public hearing on SB 590 and adjourns meeting at 3:55 p.m.

EXHIBIT SUMMARY

A – SB 310, written testimony, Martha Bennett, 2 pp.

B – SB 94, SB 94-3 amendments, staff, 8 pp.

C – SB 94, SB 94-4 amendments, staff, 1 pp.

D – SB 94, written testimony, Douglas Hardy, 9 pp.

E – SB 94, written testimony, Jason Heuser, 1 p.

F – SB 398, SB 398-1 amendments, staff, 1 p.

G – SB 398, written testimony, Glen Stonebrink, 3 pp.