

SENATE COMMITTEE ON WATER AND LAND USE

February 25, 1999 Hearing Room B

1:00 p.m. Tapes 27 - 28

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Thomas Wilde

MEMBER EXCUSED: Sen. Marylin Shannon

STAFF PRESENT: Raymond J. Kelly, Administrator

Diana Bronson, Administrative Support

MEASURE/ISSUES HEARD: Introduction of Committee Bills

SB 93 Public Hearing

SB 11 Public Hearing and Work Session

SB 452 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.

TAPE/#	Speaker	Comments
TAPE 27, A		
003	Chair Tarno	Opens meeting at 1:17 p.m. and opens work session for consideration of committee bills.

INTRODUCTION OF COMMITTEE BILLS

009	Ray Kelly	Committee Administrator. Summarizes LC 3396.
016	Sen. Tarno	MOTION: Moves LC 3396 BE INTRODUCED as a committee bill.
		VOTE: 3-0 EXCUSED: 2 - Shannon, Wilde LC 3396 becomes SB 838.
	Chair Tarno	Hearing no objection, declares the motion CARRIED.
<u>SB 93 PUBLIC HEARING</u>		
019	Kelly	Summarizes SB 93.
027	Chair Tarno	States that it is time that legislation be drafted in the anticipation of growth, and that is why SB 93 is being presented for consideration.
038	Rep. Messerle	House District 48. States that the water needs in Oregon need to be considered for the future. States his support for SB 93.
059	Chair Tarno	Asks the administrator to summarize the -1 amendments to SB 93.
105	Kelly	States that Section 4 sets up a task force on water supply. Continues with a summary of SB 93. Reviews census figures in Oregon. (EXHIBIT A) .
122	Chair Tarno	States there will be amendments made to this bill and is looking forward to closure next week.
134	Tom Byler	Water Resources Department. Presents (EXHIBIT B) . Testifies in support of SB 93 and states the department is working on amendments to refine and to provide clarification of the issues. States these ideas include: <ul style="list-style-type: none">• Creating a joint task force to develop policy recommendations on water supply issues;• Providing financial assistance to storage projects;• Providing financial assistance for water conservation; and• Allowing a water right holder to change the use of a primary surface water right with a supplemental ground water right.

186	Byler	Summarizes amendments to SB 93.
198	Chair Tarno	Asks Byler if he has a copy of the ñ1 amendments.
200	Byler	Replies he does not have a copy, but is aware of the ñ1 amendments.
208	Kathryn Van Natta	Northwest Pulp and Paper Association. Testifies in support of the spirit of SB 93.
220	Chair Tarno	States he has had several requests to be a part of the working task force and does want to accommodate them, but also wants to maintain a relatively tight group that will be taking all of the information from folks who have interests and working with them.
233	Van Natta	States they do understand and if there are sub-working groups or any other way they can contribute to the process, the association is happy to do so.
236	Chair Tarno	Agrees and states it is the hope of the chair that it be part of the record.
238	Jim Myron	Oregon Trout. Testifying on behalf of the proponents of Ballot Measure 66 of which Oregon Trout was a participant. States there is a potential constitutional problem with the funding source in SB 93. Presents (EXHIBIT C) .
282	Jan Lee	Oregon Water Resources Congress. Testifies in support of SB 93 and presents (EXHIBIT D) .
301	D. Bridges	States he supports SB 93 as it stands, at this point. States that in building reservoirs for water, the process usually means the taking of thousands of acres of timberland. States his desire to be on the task force concerning SB 93.
342	Scott Ashcom	Oregon Association of Nurserymen. Presents (EXHIBIT E) . Testifies in support of SB 93.
360	Reed Benson	Water Watch. Presents (EXHIBIT F) . States there are concerns with SB 93, as introduced. States Water Watch does not want to see an emphasis placed on storage, to the exclusion of management and conservation. States concerns about the proposal for switching primary and supplemental water rights.
434	Bob Hall	Portland General Electric. Testifies in support of SB 93.
TAPE 28, A		
039	Ron Yockim	Oregon Cranberry Growers. States they are working with the task force to resolve some of the issues.

069	Pete Test	Oregon Farm Bureau. States they are participating with the committee and supports the concept, particularly for agriculture. Thanks chair for introducing SB 93.
083	Richard Kosesan	Water for Life. Asks to reserve a seat on the task force. States support of the concept behind SB 93.
126	Chair Tarno	Asks Kosesan how he feels about a peer review process.
131	Kosesan	States he is not sure of the process.
138	Kelly	Describes the peer review process as a small cohesive group.
141	Kosesan	States the peer review process would be very workable.
168	Hilary Abraham	Oregon Environmental Council (OEC). Presents (EXHIBIT G) . Commends chair on his work on SB 93. States the OEC is in support of SB 93. States one element of concern is using Ballot Measure 66 dollars for funding.
199	Willie Tiffany	League of Oregon Cities. Testifies in support of the concept of SB 93.
<u>SB 11 PUBLIC HEARING</u>		
227	Kelly	Summarizes SB 11.
237	Nan Evans	Oregon Parks and Recreation Department. Presents (EXHIBIT H) . Testifies in support of SB 11. States the bill will consolidate the regulatory process that is in need of simplification.
289	Evans	Continues testimony in support of SB 11, stating this bill will simplify the ocean shore permitting process, better serve the public, and reduce government agency duplication.
349	Evans	Continues testimony concerning fees. States conditional use permits are based on the value of the project.
397	Paul Cleary	Director of the Division of State Lands (DSL). States the projects involved on the ocean shore are almost always erosion control and shore protection permits.
404	Evans	Under SB 11, fees would be charged. Continues with testimony.
416	Chair Tarno	Asks Cleary if this is a financial impact on DSL.

419	Cleary	Replies that there is a financial impact.
430	Evans	Continues testimony regarding fee structures.
462	Cleary	States SB 11 implements a recommendation from a 1994 Oregon Sea Grant report dealing with improving natural hazards management on the Oregon Coast. Presents (EXHIBIT I) .
TAPE 27, B		
032	Sen. George	Asks Evans if she remembers the engineers in Lincoln City discussing the need to install the riprap correctly.
048	Evans	States they will be presenting designs to qualified engineers to reflect what is known about construction methods. States that is one of the reasons costs are on the high side.
061	Sen. George	Asks if there is a benefit in having a qualified engineer to give proper placement for the riprap structure.
070	Evans	States there is a need for qualified engineers with a geological background.
082	Sen. Corcoran	Asks if the costs have been calculated to provide a qualified engineer. Asks if it is incorporated in the fee structure.
090	Evans	States the fees are not incorporated. States they would need to look at the costs for an engineer.
092	Chair Tarno	Asks if there is the anticipated revenue.
096	Evans	States they can only guess. States the impact identified might be \$36,000 in revenue. The impact does not identify costs because currently the department is paying the costs.
118	Don Hull	Oregon Department of Geology & Mineral Industries (DOGAMI). Presents (EXHIBIT J) . States DOGAMI has an advisory role to the Parks Department to provide technical support with geologic and engineering expertise. States also they have an advisory role to the Division of State Lands and will continue to answer questions concerning coastal geology to the extent their resources allow.
140	Sen. George	Asks if there is a way to relate dollars being used for an engineer.
145	Hull	States that due to a "lack of wherewithall," the department is not doing a very good job. States that, with more revenue, DOGAMI would be more available to

		businesses and citizens.
161	Sen. Wilde	Asks how DOGAMI works with other agencies, in terms of applications for riprap or other structure types.
168	Hull	States he cannot quantify, but would be willing to research the figures. States there are a lot of situations where DOGAMI is not able to respond.
176	Chair Tarno	Asks if DOGAMI is available to the staff of the State Parks and DSL.
182	Hull	States they are not doing that particularly well.
199	David Fields	Tri Ag Incorporated. Resident of Waldport. Presents (EXHIBIT K) . States that for the past 25 years he has been involved in riprap oceanfront construction. Testifies in support of SB 11. States that the fees are reasonable.
238	Sen. Wilde	Asks Fields, if his construction were to cause damage to another resident, and someone were to bring a lawsuit against his company, what would be covered by insurance.
243	Fields	States that, to his knowledge, he does not have insurance to cover that particular issue.
259	Sen. Wilde	States he has concerns as to contractors needing insurance. States he is surprised that, if an aggrieved homeowner had a claim they would be forced to go against the contractor personally, as opposed to an insurance company.
290	Fields	States they have standard liability insurance. In his 25 years he has not had this problem.
324	Sen. George	Comments on an experiment at Oregon State.
334	Fields	States he was told of a study of quite a few structures along the coast where data had been gathered, but it had never been compiled and published.
348	Rick Olson	Legislative Fiscal Office.
354	Chair Tarno	Asks if this bill needs to be referred to the Ways and Means Committee.
362	Olson	States this bill does not need to go to the Ways and Means Committee.
<u>SB 11 WORK SESSION</u>		

384	Sen. Corcoran	MOTION: Moves SB 11 to the floor with a DO PASS recommendation.
		VOTE: 3-1 AYE: 3 ñ Corcoran, George, Tarno NAY: 1 ñ Wilde EXCUSED: 1 ñ Shannon
	Chair Tarno	The motion Carries. SEN. CORCORAN will lead discussion on the floor.
<u>SB 452 PUBLIC HEARING</u>		
395	Kelly	Summarizes SB 452.
411	Chair Tarno	States this bill came about because it appeared there was a double taxation issue and consequently SB 452 was drafted.
440	Cleary	Presents (EXHIBIT L) . Testifies as to the effects of leasing state-owned submerged and submersible land by exempting private docks, boat landings, and boat ramps that are subject to county tax.
TAPE 28, B		
039	Cleary	Continues to describe concerns with SB 452. States that equity between dock owners is of concern, as owners with higher value docks would be exempt.
083	Chair Tarno	States he appreciates Cleary's efforts. Adjourns meeting at 2:38 p.m.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,
Administrative Support Administrator

-

EXHIBIT SUMMARY

A ñ SB 93, Written testimony, staff, 2 pp

B ñ SB 93, Written testimony, Tom Byler, 2 pp

C ñ SB 93, Written testimony, Jim Myron, 6 pp

D ñ SB 93, Written testimony, Jan Lee, 1 p

E ñ SB 93, Written testimony, Scott Ashcom, 1 p

F ñ SB 93, Written testimony, Reed Benson, 1 p

G ñ SB 93, Written testimony, Hilary Abraham, 1 p

H ñ SB 93, Written testimony, Nan Evans, 3 pp

I ñ SB 93, Written testimony, Paul Cleary, 2 pp

J ñ SB 93, Written testimony, Don Hull, 1 p

K ñ SB 11, Written testimony, David Fields, 4 pp

L ñ SB 452, Written testimony, Paul Cleary, 1 p