

SENATE COMMITTEE ON WATER AND LAND USE

April 22, 1999 Hearing Room B

1:00 p.m. Tapes 67 - 71

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Marylin Shannon

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT: Raymond J. Kelly, Administrator

Diana Bronson, Administrative Support

MEASURE/ISSUES HEARD: SB 576 Public Hearing

SB 759 Public Hearing

SB 886 Public Hearing

SB 1220 Public Hearing

SB 989 Public Hearing

SB 682 Public Hearing

SB 838 Public Hearing

SB 1220 Public Hearing

SB 542 Public Hearing and Work Session

SB 959 Public Hearing

SB 1185 Work Session

SB 1233 Work Session

SB 1235 Work Session

SB 1236 Work Session

SB 1238 Work Session

SB 1240 Work Session

SB 1245 Work Session

SB 1246 Work Session

SB 1226 Work Session

SB 863 Work Session

SB 1179 Work Session

SB 987 Work Session

SB 1021 Public Hearing and Work Session

SB 1060 Public Hearing and Work Session

SB 1184 Public Hearing

SB 1113 Public Hearing and Work Session

SB 1098 Public Hearing and Work Session

SB 1187 Public Hearing

SB 1189 Public Hearing

SB 1258 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 67, A		
003	Chair Tarno	Opens meeting at 1:15 p.m. and opens public hearing on SB 576.
<u>SB 576 PUBLIC HEARING</u>		
008	Ray Kelly	Committee Administrator. Summarizes SB 576 which allows cities and counties to establish systems of transferable development credits.

013	Chair Tarno	Closes public hearing and opens public hearing on SB 759.
<u>SB 759 PUBLIC HEARING</u>		
014	Kelly	Summarizes SB 759. SB 759 allows irrigation district, as condition for supplying water to subdivision otherwise excluded from district, to require subdivider to take measures necessary for efficient delivery of water.
018	Chair Tarno	Closes public hearing on SB 759 and opens public hearing on SB 886.
<u>SB 886 PUBLIC HEARING</u>		
019	Kelly	Summarizes SB 886. SB 886 restricts fees that Department of Environmental Quality or Water Resources Department may charge at time of application for and issuance or denial of licenses or permits.
022	Chair Tarno	Closes public hearing on SB 886 and opens public hearing on SB 1220.
<u>SB 1220 PUBLIC HEARING</u>		
023	Sen. Corcoran	Requests that SB 1220 be reopened later in the meeting today.
027	Chair Tarno	Closes public hearing on SB 1220 and opens public hearing on SB 989.
<u>SB 989 PUBLIC HEARING</u>		
028	Kelly	Summarizes SB 989. States that SB 989 will eliminate provisions granting continuing consent to federal government to acquire lands in Oregon.
032	Chair Tarno	Closes public hearing on SB 989 and opens public hearing on SB 682.
<u>SB 682 PUBLIC HEARING</u>		
033	Kelly	Summarizes SB 682 which prohibits local government from adopting or implementing local ordinance prohibiting maintenance, modification or storage of hobby vehicles in any area zoned by local government.
036	Chair Tarno	Closes public hearing on SB 682 and opens public hearing on SB 838.
<u>SB 838 PUBLIC HEARING</u>		
037	Kelly	Summarizes SB 838 and states SB 838 allows facilities and structures supporting open space use of land to be sited in exclusive farm use zone.

041	Chair Tarno	Closes public hearing on SB 838 and states that Sen. Ferrioli is in attendance to testify on SB 1220. Opens public hearing on SB 1220.
<u>SB 1220 PUBLIC HEARING</u>		
044	Kelly	Summarizes SB 1220 and states that SB 1220 creates a task force to study how to integrate watershed enhancement and rural economic needs.
048	Sen. Corcoran	Testifies in support of SB 1220. States that SB 1220 creates a task force to help displaced workers retrain for working in the woods and on stream restoration and other needs in the salmon recovery plan.
070	Sen. Ted Ferrioli	Senate District 28. Testifies in support of SB 1220. States that SB 1220 creates an intersection between skilled workers, that may exist at the local level, and the need for a watershed restoration workforce.
085	Charles Spencer	Workers Watershed Council. Testifies in support of SB 1220.
096	Steve Pace	States that SB 1220 is a vital bill for the rural community of Sweet Home. Presents (EXHIBIT A) . States he is a graduate of the "Jobs in the Woods" program. Testifies in support of SB 1220.
118	Sen. Corcoran	Asks about the kind of work he did before the Jobs in the Woods program.
120	Pace	States he was a logger.
121	Sen. Corcoran	Asks if there is work available.
123	Pace	Replies that he followed his father's path and his father's father. States he thought he would always be a logger.
132	Sen. Corcoran	Asks, from personal experience, if "Jobs in the Woods" work for Pace.
135	Pace	Replies that, basically, it did everything for him and his family. States that with a wife and children there was no way he could take off and go to college. States this program is invaluable.
160	Diane Wardlow	Testifies in support of SB 1220, as it addresses the need for watershed restoration. States SB 1220 provides a workforce potential for the long term. Habitat Incorporated is struggling to succeed as a watershed restoration.
184	Chair Tarno	Closes public hearing on SB 1220. Opens work session on SB 542.
<u>SB 542 PUBLIC HEARING</u>		

195	Brian Boe	Oregon Petroleum Marketer's Association. States he now has the ñ2 amendments. Presents (EXHIBIT B) . Discusses the new changes made to SB 542.
270	Chair Tarno	States the committee has had problems with SB 542 and asks Boe if he has taken care of the concerns.
276	Boe	Replies he has met with the Department of Environmental Quality and all matters in the ñ2 amendments are worked out to their satisfaction.
286	Sen. Shannon	Asks if this is the same as a bill from last session.
290	Boe	Replies that it is the same and this bill completely corrects the oversights from last session.
291	Chair Tarno	Asks for a motion to move the ñ2 amendments.
<u>SB 542 WORK SESSION</u>		
297	Sen. George	MOTION: Moves to ADOPT SB 542-2 amendments dated 04/06/99.
		VOTE: 5-0
	Chair Tarno	Hearing no objection, declares the motion CARRIED.
305	Sen. George	MOTION: Moves SB 542 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Tarno	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
319	Chair Tarno	Closes work session on SB 542 and opens work session on SB 959.

		Tape 328 - 375 committee pauses action.
<u>SB 959 PUBLIC HEARING</u>		
377	Kelly	Summarizes SB 959.
408	Jan Lee	Oregon Water Resources Congress. Presents (EXHIBIT C) . States that the department and the U.S. Geological Survey has been working on an issue in the Deschutes basin to ensure that water is available for future economic development, while preserving and enhancing instream flows in the Deschutes River.
420	Sen. Neil Bryant	Senate District 27. States SB 959 is supported by private water users and also the cities of Redmond, Bend, the Warm Springs Indian Reservation and private water companies. Presents (EXHIBIT D) .
TAPE 68, A		
022	Chair Tarno	Asks Martha Pagel if the Bend aquifer is connected to feed Redmond.
023	Martha Pagel	Water Resources. Replies that the ground water is mostly connected, but is not aware if the specific aquifer that Bend is drawing from is the same as the City of Redmond. States the amendments to SB 959 should be ready next week.
047	Chair Tarno	Closes public hearing on SB 959 and states there are nine bills that need to go to Rules & Elections Committee. Asks the committee administrator to identify the bills to be referred out.
<u>SB 785, SB 1233, SB 1235, SB 1236, SB 1238, SB 1240, SB 1244, SB 1245, SB 1246 WORK SESSION</u>		
065	Chair Tarno	States the committee will suspend rules for the purpose of transferring the nine bills.
073	Sen. Corcoran	MOTION: Moves to SUSPEND the rules for the purpose of Moving Senate Bills 1185, SB 1233, SB 1235, SB 1236, SB 1238, SB 1240, SB 1245, and SB 1246 "en bloc" to the SENATE RULES & ELECTIONS COMMITTEE without recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Tarno	The motion CARRIES.

085	Sen. Corcoran	MOTION: Moves SB 1185, SB 1233, SB 1235, SB 1236, SB 1238, SB 1240, SB 1244, SB 1245, and SB 1246 "en bloc" to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Senate Rules & Elections Committee.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Tarno	The motion CARRIES.
090	Sen. Shannon	Asks if the committee has heard any of the bills sent out to the Rules & Elections Committee.
090	Chair Tarno	Replies the committee has not heard these bills as they refer to trespass onto a variety of state agencies. Opens work session on SB 1226.
<u>SB 1226 WORK SESSION</u>		
112	Kelly	Summarizes SB 1226. States the committee has heard this bill before.
119	Chair Tarno	Asks that the ñ3 amendments be provided to the committee.
122	Kelly	States there are ñ3 and ñ4 amendments. Submits (EXHIBIT E) and (EXHIBIT F) . States there are four proposed amendments to SB 1226. Describes the amendments and the staff measure summary.
150	Chair Tarno	States the chair will move the amendments individually. Discussion among committee members regarding the amendments to SB 1226. Asks if the committee is agreeable to adopting the ñ4 amendments.
174	Sen. Corcoran	MOTION: Moves to ADOPT SB 1226-4 amendments dated 04/22/99.
		VOTE: 5-0
	Chair Tarno	Hearing no objection, declares the motion CARRIED.
178	Sen. Corcoran	MOTION: Moves SB 1226 to the floor with a DO PASS AS AMENDED recommendation.

180		VOTE: 4-1 AYE: 4 - Corcoran, George, Shannon, Tarno NAY: 1 - Wilde
	Chair Tarno	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
185	Chair Tarno	Closes work session on SB 1226 and opens work session on SB 863.
<u>SB 863 WORK SESSION</u>		
194	Kelly	Summarizes SB 863.
201	Chair Tarno	Asks if the committee passed this out with the wrong amendments.
205	Kelly	States no, the committee was told there was an agreement between parties.
211	Sen. George	States he has a note stating the ñ1 amendments were agreed upon by DLCD staff and Oregonians In Action. States he has the ñ1 amendments and asks if they were created by Legislative Counsel.
218	Kelly	Summarizes the ñ1 amendments for the committee. Submits (EXHIBIT G) .
222	Chair Tarno	States the committee is at ease.
263	Chair Tarno	Asks Rindy if the ñ1 amendments are okay with DLCD.
264	Rindy	Replies they are.
265	Sen. Corcoran	MOTION: Moves to ADOPT SB 863-1 amendments dated 04/20/99.
		VOTE: 5-0
	Chair Tarno	Hearing no objection, declares the motion CARRIED.

269	Sen. Corcoran	MOTION: Moves SB 863 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Tarno	The motion CARRIES. SEN. CORCORAN will lead discussion on the floor.
279	Chair Tarno	Closes work session on SB 863 and opens work session on SB 1179.
<u>SB 1179 WORK SESSION</u>		
281	Kelly	Summarizes SB 1179 and states SB 1179 has a subsequent referral to the Ways and Means Committee.
299	Chair Tarno	Asks Sen. George if he is aware of SB 1179.
300	Sen. George	States he does not remember it, but by reading it, it seems to be written in opposition to SB 454. States this needs clarification.
315		Short discussions between the chair, Sen. Shannon and Sen. George.
331	Chair Tarno	Asks if SB 1179 came from the Senate Agriculture and Natural Resources Committee.
332	Kelly	Replies it did.
332	Sen. George	States SB 1179 looks like a good bill and should pass.
348	Sen. George	MOTION: Moves SB 1179 to the floor with a DO PASS recommendation and SUBSEQUENT REFERRAL to the Committee on Ways and Means.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Corcoran, Wilde

	Chair Tarno	The motion CARRIES.
356	Chair Tarno	Closes work session on SB 1179 and opens work session on SB 987.
<u>SB 987 WORK SESSION</u>		
366	Chair Tarno	States this is Sen. Adams' bill. Conversations with the chair, Sen. Corcoran, Sen. George, Sen. Shannon and the committee administrator.
395	Sen. Shannon	MOTION: Moves to ADOPT SB 987-3 amendments dated 04/22/99.
		VOTE: 4-0 EXCUSED: 1 - Wilde
	Chair	Hearing no objection, declares the motion CARRIED.
400	Sen. Shannon	MOTION: Moves SB 987 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-1 AYE: 3 - George, Shannon, Tarno NAY: 1 - Corcoran EXCUSED: 1 - Wilde
	Chair Tarno	The motion CARRIES.
		SEN. ADAMS will lead floor discussions.
411	Chair Tarno	Closes work session on SB 987 and opens public hearing on SB 1021.
<u>SB 1021 PUBLIC HEARING</u>		
421	Kelly	Summarizes SB 1021.

447	Sen. George	Testifies in support of SB 1021. States that SB 1021 authorizes corporations to condemn lands necessary for the placement of railways, canals, ditches, or flumes.
463	Sen. Corcoran	Asks if this would be a violation of personal property rights.
472	Chair Tarno	States it is the current law.
476	Sen. Corcoran	Asks what SB 1021 does to the current law.
TAPE 68, B		
022	Sen. George	States that, on the coast, the property owners want to be connected to a sewage system. Explains that companies need to lay pipe across properties to the treatment plant.
032	Sen. Shannon	Asks if this means they want to build a sewage plant.
034	Sen. George	States he is not sure.
035	Sen. Shannon	States she will not vote on this bill until she has an answer.
038	Sen. George	States the committee may need another hearing to get the appropriate answers as to building a sewage plant.
046		Conversations between the chair and Sen. Corcoran regarding the possible condemnation aspects of SB 1021.
052	Lauri Aunan	Oregon Department of Environmental Quality (DEQ). States she reviewed the relating clause outside of the committee room.
056	Sen. George	Asks Aunan if she knows anything specifically regarding SB 1021.
066	Sen. Shannon	States that if it refers to a line crossing private property, she has no problems, but has a major problem if it refers to a sewer treatment plant.
073	Aunan	States she does not have the information needed, but can call the DEQ and find out who may have more information.
076	Chair Tarno	States that as he reads SB 1021, it says sewer lines.
080	David Hinterruten.	States the drafting of SB 1021 took about four years. States it is for the transmission of sewage to a treatment plant and, in no way, does it have anything to do with a sewage treatment plant. States those issues are DEQ and county

		issues. States the area is clay and does not percolate properly so they need a pipeline system.
140	Chair Tarno	Closes the public hearing on SB 1021 and opens work session.
<u>SB 1021 WORK SESSION</u>		
143	Sen. George	MOTION: Moves SB 1021 to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Tarno	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
150	Chair Tarno	Closes work session on SB 1021 and opens public hearing on SB 1060.
<u>SB 1060 PUBLIC HEARING</u>		
155	Kelly	Summarizes SB 1060. Submits the ñ1 and ñ2 amendments (EXHIBIT H).
168	Sen. George	States SB 1060 is a bill they have wanted to do for a long time. States the ñ2 amendments are now drafted to clarify access to one or more points on the beach. States that requirements have been added to ensure sites are posted for public use and to maintain parking and trash disposal facilities.
191	Chair Tarno	Asks for explanation on the ñ1 amendments and on the ñ2 amendments.
194	Sen. George	States that the -1 amendments provide that if an access is lost, another would be created so there would be no loss of access to the beach.
211	Jim Lockwood	Oregon Parks and Recreation Department (OPRD). Testifies in support of SB 1060. States that the body of SB 1061 is identical to SB 409 which was proposed by the OPRD and testified on earlier this session.
253	Sen. Corcoran	Asks if he is referring to the ñ2 amendments.
253	Lockwood	Replies that it is his reading of the ñ2 amendments.

283	Sen. George	Explains in detail the intended purpose of SB 1060. Asks if the Parks Department has ever had anyone come out and say they really liked the original SB 409.
318	Lockwood	States they discussed the concept, but does not know how serious or how interested the people were in SB 409.
326	Sen. George	States that, "A carrot beats a stick any day."
327	Sen. Corcoran	States it seems there would be a legitimate concern that a landowner granting an access could, in fact, create impediments for access by not maintaining a passable access.
334	Lockwood	Replies that natural changes on the coast can create changes even the landowner may not have intended to change.
347	Craig Allen	Legislative assistant for Sen. George. States he just spoke with judicial counsel and was told that, with the amendments, the property owners and parks would be exempt from liability. Stated that a line could be added to the effect that activities on the site described in the sections above shall be exempt from liability under Section 7, of ORS 105.672.
384	Chair Tarno	Asks Allen's opinion regarding dropping the #2 amendments.
389	Allen	Suggests adopting a conceptual amendment or drafting another amendment and bringing it back next week.
401	Sen. Corcoran	States there are enough questions regarding SB 1060 that the interested parties need to discuss the options and bring the bill back next week.
428	Michael Collmeyer	1000 Friends of Oregon. Presents (EXHIBIT I) . Testifies in support of SB 1060 because it promotes and strengthens the concept of public access to and along the beaches and coastal waters of this state.
TAPE 67, B		
020	Sen. Corcoran	Asks if the half mile requirement excludes areas of the coast that are now inaccessible to the public in a deleterious way.
024	Collmeyer	Replies yes and the recommendation that the League of Women Voters made that the replacement access must be to the same beach segment would go a long way to eliminate concerns of 1000 Friends about allowing replacement access within a half mile of the current access.
034	Sen. Corcoran	Asks if that verbiage is contained in SB 1060 or the amendments.

035	Collmeyer	Replies that it is not currently contained in SB 1060 or the amendments.
041	Robin Hartmann	Oregon Shores Conservation Coalition. Testifies in support of SB 1060. Replies to the half mile section.
055	Sen. George	Asks if she has seen the ñ1 amendments.
056	Hartmann	Replies no, she has not seen the amendments.
057	Sen. George	States the ñ1 amendments address Hartmannís concerns.
069	Kelly	Gives the engrossed meaning to SB 1060.
075	Chair Tarno	Asks Sen. George for suggestion.
077	Sen. George	Suggests moving the bill out with amendments.
085	Chair	Closes public hearing on SB 1060 and opens work session.
<u>SB 1060 WORK SESSION</u>		
088	Sen. George	States there are minor changes needed.
093	Sen. George	MOTION: Moves to ADOPT SB 1060-1 amendments dated 04/13/99.
		VOTE: 4-0 EXCUSED: 1 - Shannon
	Chair Tarno	Hearing no objection, declares the motion CARRIED.
096	Sen. George	MOTION: Moves to ADOPT SB 1060-2 amendments dated 04/19/99.
		VOTE: 4-0 EXCUSED: 1 - Shannon
	Chair Tarno	Hearing no objection, declares the motion CARRIED.

099	Sen. George	MOTION: Moves SB 1060 to the floor with a DO PASS AS AMENDED recommendation.
101	Chair Tarno	VOTE: 3-1-1 AYE: 3 - George, Wilde, Tarno NAY: 1 - Corcoran EXCUSED: 1 - Shannon
	Chair Tarno	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
104	Sen. Corcoran	<p>States he is voting "NAY" as he does not like sending bills to the House to be fixed. States that the committee has heard:</p> <ul style="list-style-type: none"> • Testimony regarding the concerns of SB 1060 from parks and recreation. • The committee has received word of mouth information that Legislative Counsel made an assertion about language that provided for adequate protection, both for parks, and for individuals, in terms of liability. • States it is not appropriate to move a bill with that kind of information. • SB 1060 could have negative, unintended consequences on public access to the beaches in Oregon. • SB 1060 may be very bad for tourism on the coast and for economic development. <p>States there are enough questions not to pass it out.</p>
125	Chair Tarno	States Sen. Corcoran's objections are noted. Closes work session on SB 1060 and opens public hearing on SB 1184.
<u>SB 1184 PUBLIC HEARING</u>		
158	Kelly	Summarizes SB 1184.
161	Chandler	Oregon Building Industry Association. States SB 1184 is not ready for passage.
193	Chair Tarno	Asks if Chandler is talking to those who have objections to SB 1184 and the amendments and hope to have concurrence.
193	Chandler	Replies that if he cannot get concurrence he will not be back.

194	Sen. Corcoran	Asks for a concrete example dealing with a local government that created this problem.
198	Chandler	Replies that a real-life example is a county, which will not be named, that has a problem with road capacity because this particular county does not have enough money.
253	Chair Tarno	Asks Chandler to get back to the committee when Chandler has the amendments to this bill. Closes public hearing on SB 1184 and opens SB 1113.
<u>SB 1113 PUBLIC HEARING</u>		
261	Mary Wahl	Administrator of Waste Management and Cleanup, DEQ. Presents (EXHIBIT J) . Testifies in support of SB 1113 and states it would authorize the use of Oregon's Orphan Site Account for cleanup of contaminated sediments.
318	Sen. George	Asks where the Orphan Sites are located.
322	Wahl	Replies the state is working on an orphan site in Coos Bay and it "plumes" into the bay and a similar situation exists in Portland Harbor.
345	Jim Craven	American Electronics Association. Submits 2 amendments from Legislative Counsel. (EXHIBIT K) .
349	Sen. Wilde	Refers to Section 2, subparagraph 1, lines 5, 6, and 7. Asks, "from what to what?"
358	Craven	States that when the Orphan Site was established, there was a determination made to initiate a state fire marshal hazard substance possession fee. States that the fee goes to fund three programs, one of which is to put money into capitalizing the Orphan Site Account. Basically, it is a fee on Oregon businesses for their possession of chemicals that is used to pay debt service on Orphan Site Account bonds. States the possession fee is capped at \$1,000,000 per year for Orphan Site bond payoffs.
428	Chair Tarno	Asks if the 2 amendment puts a definite cap on the spending.
429	Craven	Replies yes, and the cap is in a different section of law and stays just as it is.
432	Wahl	Corrects Craven's statement of \$1,000,000 per year as being \$1,000,000 per biennium.
451	Paul Cleary	Director of Division of State Lands. Presents (EXHIBIT L) . Testifies in support of SB 1113. States the division administers submersible lands and SB 1113 will help to address situations where contamination of sediments originally occurred on upland private property that washed into, or seeped into, the waterways and now is on land owned by the state.

SB 1113 WORK SESSION

473	Sen. George	MOTION: Moves to ADOPT SB 1113-2 amendments dated 04/14/99.
		VOTE: 4-0 EXCUSED: 1 n Shannon
	Chair Tarno	Hearing no objection, declares the motion CARRIED.
481	Sen. George	MOTION: Moves SB 1113 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Shannon
	Chair Tarno	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
494	Chair Tarno	Closes work session on SB 1113 and recesses meeting at 3:08 p.m. States the committee will reconvene at 6:00 p.m. in hearing room C.
TAPE 70, A		
003	Chair Tarno	Reopens meeting at 6:11 p.m. and opens public hearing on SB 1098.
<u>SB 1098 PUBLIC HEARING</u>		
009	Jan Lee	Oregon Water Resources. Submits (EXHIBIT M). States SB 1098 extends the ability to choose the priority date for conserved water. States this 4-year period would allow some users who have projects in process to complete their projects and use the conserved water statute if the date is extended.
025	Tom Byler	Oregon Water Resources Department. Submits (EXHIBIT N). States SB 1098 extends the opportunity for water users to take advantage of incentives to make use of the conserved water program.

034	Dee Bridges	Oregon Water Association. Adds support to SB 1098.
037	Chair Tarno	Closes public hearing on SB 1098 and opens work session.
<u>SB 1098 WORK SESSION</u>		
039	Sen. Corcoran	MOTION: Moves SB 1098 to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Shannon, Wilde
	Chair Tarno	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
046	Chair Tarno	Closes work session on SB 1098 and opens public hearing on SB 1187.
<u>SB 1187 PUBLIC HEARING</u>		
060	Jerry Schmidt	Oregon Association of Realtors (OAR). Presents (EXHIBIT O) . States the OAR did submit amendments, but still needs another amendment to clarify language.
107	Schmidt	States SB 1187 seeks to clarify the exceptions process so that local governments can identify the exception
129	Matt Farmer	Staff attorney, Oregon Association of Realtors. Testifies in support of SB 1187.
140	Chair Tarno	States Farmer has confused the committee.
144	Farmer	Explains in detail the Curry County lawsuit involving 1000 Friends of Oregon.
188	Farmer	Continues testimony in support of SB 1187. States decision making needs to go back to local people and local government needs to make decisions for local needs.
250	Bob Rindy	Department of Land Conservation and Development (DLCD). Presents (EXHIBIT P) . Testifies that his written testimony was written before the

		changes were made to SB 1187. States land use law is linked to statewide goal requirements, and SB 1187 would create administrative chaos by eliminating the goals for a large number of properties statewide.
300	Rindy	Continues testimony in opposition to SB 1187.
357	Don Schellenburg	Oregon Farm Bureau. Testifies in opposition to SB 1187. States that SB 1187 exempts land from land use planning goals protecting farmland and forest land from any other land use planning goal.
380	Chair Tarno	Asks if we can change or look at our laws from a regionalized perspective.
423	Michael Collmeyer	1000 Friends of Oregon. Presents (EXHIBIT Q) . Testifies in opposition to SB 1187.
437	Ray Phelps	States Metro would like to be part of the process to draft a new set of amendments. States that in the present form, Metro would oppose SB 1187 due to all the planning that has been done on the urban reserves, plus the expansion of the urban growth boundary of 800 acres that went into farmland and the rest went into the exception areas.
455	Chair Tarno	Asks Phelps to talk with Schmidt and see if a solution can be accomplished. Closes public hearing on SB 1187. Opens public hearing on SB 1189.
TAPE 71, A		
<u>SB 1189 PUBLIC HEARING</u>		
020	Kelly	States there are ñ1 amendments to SB 1189. Submits the proposed ñ1 amendments (EXHIBIT R) .
026	John Ledger	Associated Oregon Industries. Testifies in support of SB 1189. Presents flow chart (EXHIBIT S) . Describes possible penalties and lawsuits brought about by DEQ when companies try to come into compliance with water quality regulations.
084	Ledger	Submits written testimony on behalf of Mark Yeager (EXHIBIT T) and states Yeager was a co-requester for SB 1189. States Yeager is the chair for the Oregon Association of Clean Water Agencies (ACWA). States there are amendments that clarify the time lines and the processes used need to be comparable to the federal enforcement process.
116	Sen. Corcoran	Asks how severe this problem is.
122	Ledger	Replies it is a moderately severe problem that will get worse. States these types of cases pull everyone into the lawsuits, including the DEQ.

130	Sen. Corcoran	Asks Don Haagensen if he handled the Smith Foods case.
131	Don Haagensen	Replies he did not.
142	Sen. Corcoran	Asks why the very act of signing a consent order with DEQ does not act as a barrier to lawsuits.
147	Haagensen	Replies they hoped it would, but the federal statutes of the Clean Water Act have very specific language as to when a shield is created. Continues with testimony regarding the purpose of creating a time shield.
212	Ledger	States he spoke with DEQ and there are still some problems, but the problems are being addressed.
202	Kathryn Van Natta	Governmental Affairs Manager of the Northwest Pulp & Paper Association. Presents (EXHIBIT U). Testifies in support of SB 1189 with the ñ1 amendments.
232	Sen. George	Asks if there are other states with a process similar to this permitting process.
234	Van Natta	States she does not know.
245	Haagensen	States the process in Oregon and Washington is not comparable, so it does not create the shield. States there are states that have protection against a federal court suit.
256	Sen. George	Asks if the pathway of SB 1189 would, in fact, follow the pathway of the cases that have ruled that this is the appropriate process that would provide the exemption.
261	Haagensen	Replies it incorporates those cases, as well as everything that is in the Clean Water statute itself.
273	Chair Tarno	Asks Van Natta to review the ñ1 amendments and SB 1189 will be brought back after review.
277	Van Natta	States they will accept the conceptual amendment.
287	Lauri Aunan	DEQ. Testifies the DEQ supports the basic parts of SB 1189. States minor changes need to be made.
299	Les Carlough	DEQ. Enforcement Manager. Wants to alert the committee to one aspect of SB 1189. States the DEQ cannot guarantee SB 1189 will bar to the citizens suit in any particular case because it is an optional process that is being created.

311	Sen. Corcoran	Asks if Carlough was involved with the Smith Foods case.
313	Carlough	States he was not involved.
314	Sen. Corcoran	States he would like to speak to someone who was involved in the Smith Foods case.
319	Sen. George	Asks if SB 1189 is an optional pathway, if it would fit the model that is necessary or if there is another process.
330	Aunan	Replies that the DEQ does not know how a court would interpret SB 1189 if someone bought a suit and it was not comparable to the federal law.
345	Chair Tarno	Closes SB 1189 and requests some amendments. Opens public hearing on SB 1258.
<u>SB 1258 PUBLIC HEARING</u>		
359	Rep. Thompson	House District 4. Gives background on Oregon Coast. Testifies in opposition to SB 1258. States the road has eroded away right up to the white fog line and caving away at six inches per year.
404	Chair Tarno	Asks where ODOT is on this issue.
412	Rep. Thompson	States the logical alternative is to put a mat behind the erosion and then put riprap against the edge at this point but rebuilding the road has not been addressed. States any option is being looked into at this time.
426	Chair Tarno	Asks if there is a bridge nearby.
427	Rep. Thompson	Replies there is, and the bridge is in such poor shape it needs to be replaced.
436	Sen. Corcoran	Asks if the concerns are that this bill is too broad and the committee should provide some latitude for roads so that transportation needs are not interfered with.
447	Rep. Thompson	States there are situations on the coast that need a blanket policy, either for or against, to maintain the coastline highways and bridges. States he would not want to see a "no riprap policy", but then again, riprapping up and down the coast is not acceptable either.
465	Sen. George	States there are emergency situations developing and SB 1258 is an attempt to address the issues.
TAPE 70, B		

048	Rep. Thompson	States the situation needs to be highlighted and hates to see riprap jobs, but sometimes the need is there.
050	Sen. George	Short conversations between Sen. Thompson, Chair Tarno, Sen. Shannon regarding different areas of the coast being affected by riprap.
080	Rindy	DLCD. Presents (EXHIBIT V) . States SB 1258 reverses thirty years of public policy protecting Oregon beaches. States there are other ways of achieving the goals in SB 1258. 113
113	Paul Cleary	Director of the Division of State Lands. States that in some cases there may not be a permanent fix. States the law is not necessary to properly build residential areas on the coast.
150	Sen. George	States SB 1258 may have pushed too far, but at least it was brought into committee for review.
159	Cleary	States there is a goal exception process available. States there have been meetings to discuss situations to try to find a solution to the Beverly Beach-Spencer Creek Bridge situation.
206	Jim Lockwood	Oregon Parks and Recreation. States he is pleased to see a little "pull" with the "push" with regard to SB 1258.
216	Collmeyer	Submits (EXHIBIT W) . Testifies in opposition to SB 1258.
228	Chair Tarno	Asks 1000 Friends if they look at things from a different angle.
240	Sen. Corcoran	Asks if 1000 Friends is going to stand in the way of a public purpose need to do riprap on a bridge structure.
247	Collmeyer	Replies that 1000 Friends principle opposition to SB 1258 is that it would encourage development that is inappropriate.
249	Sen. Corcoran	States that was not his question.
250	Collmeyer	Responds that the answer to Sen. Corcoran's question is that 1000 Friends, with respect to that situation, believes that an exception process, on a case-by-case basis, is the best way to determine current requirements of Goal 18 and should be relaxed in a certain situations.
263	Sen. George	Asks if 1000 Friends would support SB 1258 if it were directed to preservation and protection of highways, such as Highway 101.
268	Collmeyer	Replies that he would still prefer to go on a case by case basis and go through the

		exception process, rather than to make a broad rule that would apply to the highways.
272	Sen. Shannon	States she has heard the testimony regarding the highways, but what if someone needed to save their property now.
275	Collmeyer	States that if that property was in existence in 1977, the permitting process would allow the beachfront protected structure.
279	Sen. Shannon	Quick conversations between Collmeyer and Sen. Shannon in an attempt to clarify the construction since 1977.
322	Robin Hartmann	Oregon Shores Conservation Coalition. Testifies in opposition to SB 1258 as it is a broad brush-type solution. States the coalition tries to protect the beach laws.
342	Sen. George	States everyone recognizes a need, but asks if the Coalition would be willing to meet in an attempt to address the issues of the highways.
358	Cleary	Reminds the committee that this is an administrative rule and the committee may not want to go into the statutes, but go into a goal review process.
366	Sen. George	States that it has bothered him that ODOT could not move on this issue and there must be some way to make it work.
375	Sen. Corcoran	Asks if ODOT, at some point, asked DLCD or DSL to take protective measures on Highway 101 or on the bridges. Questions whether the exception process was applied for and then denied.
389	Cleary	Replies it is the latter in that ODOT has not completed their evaluation about what approach they want to take. States there are a number of steps needed.
398	Sen. George	States the issue is that that section of highway has been falling away for about 15 years and has now reached the point of being critical.
414	Chair Tarno	Adjourns at 7:34 p.m.
		Testimony from Hopp & Paulson, LLP on SB 1098 (EXHIBIT X) is submitted into the record.
		Testimony from Oregon Water Resources Congress on SB 759 (EXHIBIT Y) is submitted into the record.
		Testimony from League of Oregon Cities on SB 682 (EXHIBIT Z) is submitted into the record.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1220, various letters, Steve Pace, 9 pp.

B ñ SB 542, proposed amendments, LC staff, 2 pp.

C ñ SB 959, written testimony, Jan Lee, 1 p.

D ñ SB 959, Resolution No. 1999-07, Sen. Bryant, 1 p.

E ñ SB 1226, proposed amendment, LC staff, 1 p.

F ñ SB 1226, proposed amendment, LC staff, 1 p.

G ñ SB 863, proposed amendment, LC staff, 2 pp.

H ñ SB 1060, proposed amendment, LC staff, 1 p.

I ñ SB 1060, written testimony, Michael Collmeyer, 1 p.

J ñ SB 1113, written testimony, Mary Wahl, 4 pp.

K ñ SB 1113, proposed amendment, LC staff, 2 pp.

L ñ SB 1113, written testimony, Paul Cleary, 1 p.

M ñ SB 1098, written testimony, Jan Lee, 2 pp.

N ñ SB 1098, written testimony, Martha Pagel, 3 pp.

O ñ SB 1187, written testimony, Jerry Schmidt, 4 pp.

P ñ SB 1187, written testimony, Bob Rindy, 1 p.

Q ñ SB 1187, written testimony, Michael Collmeyer, 1 p.

R ñ SB 1189, proposed amendment, LC staff, 1 p.

S ñ SB 1189, flow chart, John Ledger, 1 p.

T ñ SB 1189, written testimony, Mark Yeager, 1 p.

U ñ SB 1189, written testimony, Kathryn Van Natta, 1 p.

V ñ SB 1258, written testimony, Bob Rindy, 2 pp.

W ñ SB 1258, written testimony, Michael Collmeyer, 2 pp.

X ñ SB 1098, written testimony, Carl W. Hopp, 2 pp.

Y ñ SB 759, written testimony, Jan Lee, 1 p.

Z ñ SB 682, written testimony, League of Oregon Cities, 1 p.