

SENATE COMMITTEE ON  
WATER AND LAND USE

Hearing Room  
Tapes - 131

MEMBERS PRESENT:

Sen. Rod Johnson, Chair  
Sen. Bob Kintigh, Vice-Chair  
Sen. Neil Bryant  
Sen. Ron Cease  
Sen. Bill Dwyer

STAFF PRESENT:

Karen Quigley, Committee Counsel  
Patricia Wehrli, Committee Assistant

MEASURES HEARD:

Reconsideration of SB 297  
Work Session on SB 379  
Work Session on SB 1073  
Work Session on SB 964

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

006 CHAIR JOHNSON: Convenes the meeting.  
OPENS THE WORK SESSION ON SB 297

Witnesses:

Martha Pagel, Director, Water Resource Department  
Scott Ashcom, Oregon Nurseryman

MOTION: CHAIR JOHNSON moves to reconsider SB 297.

VOTE: CHAIR JOHNSON: Hearing no objection, the motion CARRIES. ( All members present.

034 CHAIR JOHNSON: Discusses the history of SB 297 and why it's up for reconsideration.

( Discusses the fiscal impact of SB 297.

073 MARTHA PAGEL, WATER RESOURCE DEPARTMENT: Testifies in opposition to SB 297.

104 SEN. CEASE: How much more work could the Department do with more money?

PAGEL: Refers to page two line six of SB 297; explains the resources necessary.

120 CHAIR JOHNSON: Discusses section seven; it's not the intent of the committee to fund that section.

( Questions the impact of taking out the demands of section seven.

130 PAGEL: That would give us about one staff member to deal with this.

133 CHAIR JOHNSON: Why wouldn't you want the task force to look at the focal points?

143 PAGEL: The identification of area's that have water shortages requires

a very detailed assessment process. We don't have consistent reports statewide. We can not set priorities with the lack of information that we have.

163 SCOTT ASHCOM, OREGON NURSERYMAN: Testifies in support of SB 297. Explains section two and how its important. Clarifies his concerns for Ms.

Pagel on section two rather than section three.

( Discusses line nine of page one.

206 CHAIR JOHNSON: Is the information needed already available?  
PAGEL: Water use curtailment is available through out the state.

224 ASHCOM: Does the Department have data available to identify those areas?  
PAGEL: Yes we do.

240 SEN. CEASE: The other water sources are not available? Only the critical spots are available?  
PAGEL: We are looking at compiling information for existing data.

274 SEN. BRYANT: How much more could you do with the extra money proposed?  
PAGEL: We have different priorities for that money.

296 ASHCOM: If the department was to do a study as defined in section two of this bill, could that be done for \$90,000?  
SEN. CEASE: What Mr. Ashcom is talking about only doing what is specified in section two; Ms. Pagel is advising us that other priorities needs to be addressed.

337 PAGEL: References line nine of section two. We do not have data available for that now.  
ASHCOM: Proposes deleting all the information included up until the word "or."  
SEN. CEASE: In some cases one could propose inadequate management is a problem that at some time needs to be looked at.

393 CHAIR JOHNSON: Discusses proposed amendments.  
MOTION: SEN. BRYANT moves the (-1) amendments as proposed.  
VOTE: Hearing no objection the motion CARRIES.

TAPE 131 SIDE A  
MOTION: SEN. BRYANT moves the (-1) amendments as amended.  
VOTE: Hearing no objection the motion CARRIES.  
MOTION: SEN. CEASE moves to send SB 297 as amended, with out prior reference, to the Ways and Means Committee ) with a DO PASS recommendation.  
VOTE: In Roll call vote the motion CARRIES. All members present and vote AYE.

163 CHAIR JOHNSON: OPENS THE WORK SESSION ON SB 379  
Witness:  
John Beaulieu., Department of Geology and Mineral Industries, (DOGAMI)

188 JOHN BEAULIEU, DEPARTMENT OF GEOLOGY, (DOGAMI): Testifies in support of SB 379 and the (-3) amendments.  
MOTION: SEN. CEASE moves the (-3) amendments.  
VOTE: Hearing no objection, the motion CARRIES. All members present.

216 SEN. DWYER: Why are the schools being taken out of the factor?  
BEAULIEU: To lower risk to the schools that could be built in the proposed areas.  
MOTION: SEN. CEASE moves SB 379 as amended to the Floor with a DO PASS recommendation.  
VOTE: In a roll call vote the motion CARRIES. All members present and vote AYE. CARRIER: CEASE

251 CHAIR JOHNSON: OPENS THE WORK SESSION ON SB 1073  
Witness:  
Ted Hughes

259 SEN. BRYANT: Comments on the fifty acre clause.

SEN. DWYER: Proposes fifteen acres.

SEN. BRYANT: I agree with that, it should be smaller.

271 VICE CHAIR KINTIGH: But high schools take more land.

280 SEN. BRYANT: That's correct, but we need to encourage a smaller acreage.

284 CHAIR JOHNSON: Who proposed the SB 1073-3 amendments?

293 TED HUGHES: We did.

VICE CHAIR KINTIGH: I don't want to exclude the high schools.

304 SEN. DWYER: Clarifies that it says "more than 15 acres".

SEN. CEASE: State law says that the local governments have the option to go through the process of the votes and bypass the state requirements.

( It still would have to go through the county, but not the state.

SEN. BRYANT: Explains the newly proposed process.

354 CHAIR JOHNSON: Why do we need an acreage stated here any way?

SEN. DWYER: The smaller the better. Lets take that language out.

Discussion occurs between the members on language needed..

TAPE 130 SIDE B

Continuing discussion occurs between the members on proper language needed.

MOTION: CHAIR JOHNSON moves that on line four page one "shall" be changed to "may".

VOTE: Hearing no objection the motion CARRIES.

MOTION: CHAIR JOHNSON moves that on page two of the (-2) amendments, insert a "." after the word "sight" and delete the rest of line nine and all of line ten.

VOTE: Hearing no objection the motion CARRIES.

MOTION: CHAIR JOHNSON moves to have Legislative Counsel insert a "sunset provision".

VOTE: Hearing no objection the motion CARRIES.

MOTION: VICE CHAIR KINTIGH moves the (-2) amendments as amended.

VOTE: Hearing no objection the motion CARRIES.

MOTION: VICE CHAIR KINTIGH moves to add an emergency clause to the bill.

VOTE: Hearing no objection the motion CARRIES.

MOTION: VICE CHAIR KINTIGH moves SB 1073 as amended to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. All members present and vote AYE. CARRIER: KINTIGH

056 CHAIR JOHNSON: OPENS THE WORK SESSION ON SB 964

MOTION: SEN. DWYER moves the (-5) amendments.

VOTE: In a roll call vote the motion fails: Sen. Bryant, Kintigh and Johnson vote NAY.

MOTION: VICE CHAIR KINTIGH moves the (-4) amendments.

VOTE: Hearing no objection the motion CARRIES.

108 KAREN QUIGLEY, COMMITTEE COUNSEL: Discusses language that could be agreeable between the members.

SEN. BRYANT: As long as it is limited to the tri county areas, I have no objection.

MOTION: VICE CHAIR KINTIGH moves SB 964 as amended to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. Sens. Kintigh, Bryant and Johnson vote aye. Sen. Dwyer votes NAY. Sen. Cease is EXCUSED. CARRIER:

KINTIGH

150 CHAIR JOHNSON: Adjourns the hearing at 4:50 p.m.

Submitted by,

Reviewed by,

Patricia Wehrli  
Committee Assistant

Karen Quigley  
Committee Counsel

EXHIBITS:

- A - SB 297: Proposed amendments, (-1) -- Staff -- 1 page
- B - SB 379: Proposed amendments, (-3) -- Staff -- 2 pages
- C - SB 1073: Proposed amendments, (-2) and (-3) -- 4 pages
- D - SB 964: Proposed amendments, (-4) and (-5) -- Staff --2 pages