

SENATE COMMITTEE ON
SENATE COMMITTEE ON WATER AND LAND USE

Hearing Room
Tapes 146 - 153

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Bob Kintigh, Vice-Chair
Sen. Ron Cease
Sen. Bill Dwyer
Sen. Marylin Shannon

STAFF PRESENT:

Karen Quigley, Committee Counsel
Sarah A. Myers, Committee Assistant

MEASURES HEARD:

HB 2561A	Public Hearing and Work Session
HB 2963A	Public Hearing and Work Session
HB 3124A	Public Hearing and Work Session
HB 2375A	Public Hearing and Work Session
HB 2500 A	Public Hearing and Work Session
HB 2785A	Public Hearing and Work Session
HB 2658A	Public Hearing and Work Session
HB 2709 A	Public Hearing and Work Session
HB 2876A	Public Hearing and Work Session
HB 3225A	Public Hearing
HB 2782A	Reconsideration and Work Session
HB 2376A	Reconsideration and Work Session
HB 2697A	Public Hearing and Work Session
HB 3185A	Public Hearing and Work Session
HB 3239A	Public Hearing
HB 3348A	Public Hearing
HB 2501	Public Hearing and Work Session
HB 3091	Public Hearing and Work Session
HB 2754A	Public Hearing and Work Session
HB 2889A	Public Hearing and Work Session
HB 3356A	Public Hearing and Work Session
HB 3457	Public Hearing and Work Session
HB 3100A	Public Hearing

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 146, A

002 CHAIR JOHNSON: Convenes the meeting at 1:25 PM.

-Senator Bryant is no longer with us because he has been placed with
another committee and we are honored to have Sen. Shannon with us.

Opens the Public Hearing on HB 2561A

Witness:

FRED VANNATTA, Oregon Home Builders Association

034 FRED VANNATTA, ORE. HOME. BUILD. ASSOC: Testifies in support of HB
2561A [EXHIBIT A].

-Explains the bill and the key court case that was the reason for the
introduction of the bill.

055 CHAIR JOHNSON: Jerry Justice and Art Schlack, do you have anything critical to add to that?

-Mr. Schlack states for the record, that the Association of Oregon Counties supports the bill and that Mr. VanNatta has worked with them on the bill.

Closes the Public Hearing on HB 2561A

Opens the Work Session on HB 2561A

067 MOTION: SEN. DWYER: Moves HB 2561A be sent to the floor with a DO PASS recommendation.

VOTE: 5-0
AYE:

In a roll call vote, all members present vote Aye.

CHAIR: The motion CARRIES.

SEN. DWYER will lead discussion on the Floor.

Opens the Work Session on HB 2963A

Witnesses:

PHIL DEWEY, Columbia County Surveyor
STEVEN KAFOURY,

080 CHAIR JOHNSON: I understand Sen. Dwyer that you had something to do with the (-A2) amendments proposed that we will need explained to us [EXHIBIT B].

081 PHIL DEWEY, COLUMBIA COUNTY SURVEYOR: Urges the do pass of the amendment.

085 CHAIR JOHNSON: Mr. Dewey you are testifying in support with consideration of the amendments also?

089 DEWEY: No, I only have the A-Engrossed bill. I would object to the amendments.

093 STEVEN KAFOURY: Explains the -A2 amendments to the committee.

113 MOTION: SEN. DWYER: Moves to ADOPT HB 2963A-2 amendments dated 5/16/95.

VOTE: Hearing no objection the motion CARRIES.

116 MOTION: SEN. DWYER: Moves HB 2963A be sent 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: The motion CARRIES.

SEN. KINTIGH will lead the discussion on the Floor.

Closes the Work Session on 2963A

Opens the Public Hearing on HB 3124A

Witnesses:

PHILIP FELL, League of Oregon Cities
JON CHANDLER, Oregon Home Builders Association

133 CHAIR JOHNSON: Gives the vote count from the House of Representatives.

130 JON CHANDLER, OREGON HOME BUILDERS ASSOCIATION: Testifies in support of HB 3124A [EXHIBIT C]

-Explains the -A3 amendments and what they do to the bill [EXHIBIT D].

149 PHILLIP FELL, LEAGUE OF OREGON CITIES: Testifies in support of HB
3124A.

Closes the Public Hearing on HB 3124A

Opens the Work Session on HB 3124A

155 MOTION: SEN. DWYER: Moves to ADOPT HB 3124A-3 amendments dated
5/16/95.

VOTE: Hearing no objection the motion CARRIES.

158 MOTION: SEN. DWYER: Moves HB 3124A AS AMENDED to the Floor with a DO
PASS recommendation.

VOTE: 5 -0

AYE:

In a roll call vote, all members present vote Aye.

CHAIR: The MOTION CARRIES.

SEN. CEASE will lead the discussion on the Floor.

Closes the Work Session on HB 3124A

Opens the Public Hearing on HB 2375A

Witnesses

JAN BOETTCHER, Oregon Water Resources Congress

KEN YATES, Executive Director, Oregon Food Processors Council

185 KEN YATES, EXECUTIVE DIRECTOR, OREGON FOOD PROCESSORS COUNCIL:
Testifies on HB 2375 and suggests that the bill be substantially amended to
include only the study in section 3 of the bill.

194 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Testifies in agreement
to Mr. Ken Yates.

199 CHAIR JOHNSON: For the record Martha Pagel, is in agreement of the
proposed changes to delete all parts of the bill except Section 3, which
will make the bill a study.

Closes the Public Hearing on HB 2375A

Opens the Work Session on HB 2375A

209 MOTION: SEN. KINTIGH: Moves to delete sections 1 and 2 of the bill.

VOTE: Hearing no objection the MOTION CARRIES.

212 MOTION: SEN. KINTIGH: Moves HB 2375A be sent 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: The motion CARRIES.

SEN. SHANNON will lead discussion on the floor.

Closes the Work Session on HB 2375A

Opens the Public Hearing on HB 2500A

Witnesses:

JON CHANDLER, Oregon Home Builders Association

DAVE KANNER, Public Affairs Director, City of Wilsonville

213 JON CHANDLER, OREGON HOME BUILDERS ASSOCIATION: Testifies in support of

HB 2500A [EXHIBIT E]

-The bill provides that local governments can adopt public facilities strategies to plan for moratorium circumstances.

240 CHANDLER: Refers to the (-A7) amendment and the changes proposed therein [EXHIBIT F].

244 DAVE KANNER, PUBLIC AFFAIRS DIRECTOR, CITY OF WILSONVILLE: Testifies in support of HB 2500A. For the record the terms "public facilities strategies" and "growth management strategy" are synonymous.

Closes the Public Hearing on HB 2500A

Opens the Work Session on HB 2500A

268 MOTION: SEN. CEASE: Moves to ADOPT HB 2500A-7 amendments dated 5/16/95.

VOTE: Hearing no objection the motion CARRIES.

273 MOTION: SEN. CEASE: Moves HB 2500A be sent 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: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 2500A

Opens the Public Hearing on HB 2785A

Witness:

JENIFER ROBISON, Division of State Lands

290 JENIFER ROBISON, DIVISION OF STATE LANDS: Testifies in support of HB 2785A [EXHIBIT G]. Explains the bill.

Closes the Public Hearing on HB 2785A

Opens the Work Session on HB 2785A

309 MOTION: SEN. CEASE: Moves HB 2785A be sent to the floor with a DO PASS recommendation.

VOTE: 5-0
AYE:

In a roll call vote, all members present vote Aye.

CHAIR: The motion CARRIES.

Sen. Cease will lead discussion on the floor.

Closes the Work Session on 2785A

Opens the Work Session on HB 2658A

Witnesses:

JON CHANDLER, Oregon Home Builders Association

SUE HANNON, Legislative Counsel

BOB CLAY, Portland Planning Bureau

328 JON CHANDLER, OREGON HOME BUILDERS ASSOCIATION: Testifies in support of

HB 2658A [EXHIBIT H]. Explains the bill.

-Discusses changes to the -A4 amendments [EXHIBIT I] (changes to the -A4 are

conceptual as proposed here by Mr. Chandler).

-We intended to say in the -A4 amendments, is that in any event regardless of local government action, this protection only lasts for 10 years. Proposes to add language after the word "However" on line 5 of the -A4 amendment, which clarifies the intention to allow a period of time of 10 years whether or not the time period is established by the local government.

440 SUE HANNON, LEGISLATIVE COUNSEL: Although I haven't been able to look at the changes in that great of detail, I think that they will be all right.

460 CHAIR JOHNSON: States the change for the record: "However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government." The amendment has been approved by LC [EXHIBIT J].

TAPE 147, A

017 BOB CLAY, PORTLAND PLANNING BUREAU: Testifies on HB 2658A based only on having seen the A-Engrossed version of the bill; I have only seen the amendments 20 minutes ago.

-Our concern is the workability of the bill, with the new language, and how it would apply to subdivision land divisions and land partitions that have been approved since the adoption and the acknowledgment of the comprehensive plan in 1981.

035 CHAIR JOHNSON: Gives Portland Planning Bureau the option to discuss the changes with Mr. Chandler. Work Session will be delayed until Mr. Clay has had a chance to review the amendments and discuss them with Mr. Chandler.

Closes the Public Hearing on 2658A

Opens the Public Hearing on 2709A

054 JON CHANDLER, OREGON HOME BUILDERS ASSOCIATION: Testifies in support of HB 2709A [EXHIBIT K].

-The bill codifies the urban reserve rule.

078 SEN. KINTIGH: Where is the part about the farm land?

081 CHANDLER: Responds to Sen. Kintigh re the farm land reference, which is in section 5.

-Responds to Sen. Cease regarding who supports the bill; the Citizen Counties, 1000 Friends are not sure, however, Metro and many others do support the bill.

-Responds to Sen. Kintigh regarding the Multnomah County Farm Bureau and the nurseryman.

106 SEN. KINTIGH: Are you aware that the Multnomah County Farm Bureau is concerned with the nursery land?

111 CHANDLER: Responds to Sen. Kintigh regarding the nurserymen and their approval of the amendments which were proposed on the House side.

-Responds to a question from Sen. Cease and agricultural use of land within the current urban growth boundary.

-Further committee discussion regarding the urban growth boundary and the 20 year land supply.

141 CHAIR JOHNSON: We don't need to have this section if we already have a bill that the urban reserve rules are in; SB 1114. We don't need section 5

duplicated.

147 CHANDLER: SB 1114 has other language in it, in addition to these urban reserve rules that would be somewhat different. Also I am not sure how the conflict situation works.

162 SEN. CEASE: Besides what he has said, I don't think that Mr. Chandler wants to put this bill on the chopping block.

Closes the Public Hearing on HB 2709A

Opens the Public Hearing on HB 2876A

Witnesses:

JOHN NICHOLS, Oregon Gun Owners Inc.

178 JOHN NICHOLS: OREGON GUN OWNERS INC.: Testifies in support of HB 2876.
-Responds to Sen. Kintigh regarding the relating clauses of Rep. Oakley's bill and this bill.

208 CHAIR JOHNSON: Clarifies the difference in the two bills for Sen. Kintigh.

215 SEN. SHANNON: What about siting new one's?

220 NICHOLS: Responds to Sen. Shannon regarding the siting of new ranges.

Closes the Public Hearing on HB 2876A

Opens the Work Session on HB 2876A

227 MOTION: SEN. DWYER: Moves HB 2876A be sent to the floor with a DO PASS recommendation.

VOTE: 5-0
AYE:

In a roll call vote, all members present vote Aye.

CHAIR: The motion CARRIES.

Sen. Dwyer will lead discussion on the floor.

Closes the Work Session on HB 2876A

Opens the Public Hearing on HB 3225A

Witnesses:

JAN BOETTCHER, Oregon Water Resources Congress

MARTHA PAGEL, Water Resources Department

REPRESENTATIVE CHUCK NORRIS, House District 57

237 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Explains the -A3 amendments to HB 3225A [EXHIBIT L].
-Testifies in support of the bill with the proposed changes from Martha Pagel.

270 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Testifies in support of HB 3225A. [EXHIBIT M].
-Discusses the proposed changes (conceptual); page 4, line 13, after the word "for", insert "incidental"; at the end of the line delete the words "that are incidental", and insert the word "related". Reads the line as it would be conceptually amended.
-Discusses the -A3 amendments and the restoration of some of the original language.

315 CHAIR JOHNSON: Reads what he thinks that the -A3 amendments do as they are written.

325 PAGEL: That is correct.
-Responds to Sen. Dwyer as to what happens to line 26 where the bold is "30"

and the bracketed is "20". This would return to the "20".

343 CHAIR JOHNSON: Addresses Rep. Norris regarding the changes proposed by Martha Pagel and J. Boettcher by restating the changes.

355 REP. NORRIS: Agrees to the changes made.

Closes the Public Hearing on HB 3225A

Opens the Work Session on HB 3225A

395 MOTION: SEN. KINTIGH: Moves to ADOPT HB 3225A-3 amendments dated 5/17/95.

VOTE: Hearing no objection the motion CARRIES.

397 MOTION: SEN. KINTIGH: Moves to ADOPT HB 3225A-3 amendments dated 5/17/95 and that the bill be further amended on page 2, line 13, by inserting "incidental" after "the word "for", and deleting the words "that are incidental." And on page 2, line 13,14, inserting "related" before the word "to".

VOTE: Hearing no objection the motion CARRIES.

415 MOTION: SEN. KINTIGH: Moves HB 3225A be sent 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: The motion CARRIES.

Sen. Kintigh will lead discussion on the floor.

Closes the Work Session on HB 3225A

Opens the Public Hearing on HB 3185A

Witnesses:

REPRESENTATIVE JIM WELSH, House District 43
JERRY JUSTICE, Clackamas County
BOB MCKELLAR, Oregon Forest Products Transportation Assoc.
ART SCHLACK, Association of Oregon Counties

TAPE 146, B

015 REPRESENTATIVE JIM WELSH, HOUSE DISTRICT 43: Testifies in support of HB

3185A. Explains the bill.

-Responds to Sen. Kintigh regarding the bills prevention of a maintenance shop. The counties are in control of this.

-Responds to Sen. Dwyer how many family loggers there are in Rep. Welsh's district that have 10 trucks. Responds that he does not know the exact number. Responds as to why there is the allowance of "special assessment" on farm lands.

066 -There is no language in the bill calling this a commercial operation.

080 BOB MCKELLAR, OREGON FOREST PRODUCTS TRANS. ASSOC Explains the bill.

100 JERRY JUSTICE, CLACKAMAS COUNTY: Testifies in opposition to HB 3185A; proposes a hand engrossed amendment to HB 3185A [EXHIBIT N].

-References SB 1139 in regard to the inclusion of the proposed amendment, that this is the same language used in that bill.

-Discusses where SB 1139 ended up on the House side. The House Natural Resources Committee never heard the bill.

127 SEN. DWYER: We made decisions regarding this bill's content and I

resent the fact that we have to do this again because the House committee chose to pocket our bill.

137 ART SCHLACK, ASSOC. OF OREGON COUNTIES: Testifies in support of HB 3185A with the proposed amendment from Jerry justice.

-HB 3185A is a good vehicle for the issue; urges favorable consideration.

Closes the Public Hearing on HB 3185A

Recesses the committee meeting at 2:33 PM

Reopens the committee meeting at 2:51 PM

Opens the Work Session on HB 3185A

170 MOTION: SEN. JOHNSON: Moves to AMEND HB 3185A by changing the number '10' to '7' on page 1, line 10 of the bill.

VOTE: Hearing no objection the motion CARRIES.

177 MOTION: SEN. SHANNON: Moves HB 3185A be sent to the floor with a DO

PASS AS AMENDED recommendation.

171 SEN. DWYER: I am not going to support the bill; I am glad that we came down to the number 7, however "a dog is a dog", and this is still a "dog".

177 SEN. CEASE: I will be voting no also. The earlier number of "2" was acceptable, but the change is not.

180 CHAIR JOHNSON: This dilemma points to a need for a secondary lands bill.

199 VOTE: 3-2
AYE: 3 - Johnson, Kintigh, Shannon
NAY: 2 - Cease, Dwyer

CHAIR: The motion CARRIES.

Sen. Shannon will lead discussion on the floor.

Closes the Work Session on HB 3185A

Opens the Work Session on HB 2658A

Witnesses:

JON CHANDLER, Oregon Home Builders Association
BOB CLAY, Portland Planning Bureau

207 CHAIR JOHNSON: Discusses the -A5 amendments previously agreed upon.

220 SEN. CEASE: As I understood, these were the amendments which the League of Oregon Cities wanted to work on?

223 JOHN CHANDLER, OREGON HOME BUILDERS ASSOCIATION: Clarifies what changes were made to make this a different amendment.

245 MOTION: SEN. JOHNSON: Moves to ADOPT HB 2658A-05 amendments dated 5/18/95.

247 SEN. CEASE: Did we hear from the "League people"?

250 BOB CLAY, PORTLAND PLANNING BUREAU: We did have the opportunity to speak with our attorney's in the city planning bureau and we feel that the amendments do help to clarify the intent of the bill and will be some improvements to the bill as we see it. We are no longer opposing the bill.

259 VOTE: Hearing no objection the motion CARRIES.

261 MOTION: SEN. KINTIGH: Moves HB 2658A be sent 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: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 2658A

Opens the Public Hearing on HB 3091

Witnesses:

REPRESENTATIVE CHUCK NORRIS, House District 57
DICK SNOW, Farmer from Echo, Oregon
MARY NEWMAN, Hermiston, Oregon
STEVE MUELLER, Stanfield, Oregon
JIM GRAHM, Consultant on the Provision 9 Interpretation

276 REPRESENTATIVE CHUCK NORRIS, HOUSE DISTRICT 57: Testifies in support of
HB 3091 [EXHIBIT O].

287 DICK SNOW, FARMER, Echo area: Testifies in support of HB 3091.
-Discusses the wells which are not hydraulically connected to the ground
water.
-The state does not have the evidence to regulate or shut off these wells.

334 MARY NEWMAN, HERMISTON, OR: I have a pit well on my property and it is
my only source of water on my land.
-Testifies in support of HB 3091.

366 STEVE MUELLER, STANFIELD, OR: States his name and adds his support.
-Responds to a question from Sen. Dwyer regarding the conditions of the
permit issued to the property/well owner.

400 JIM GRAHM, CONSULTANT TO REVIEW THE PROVISION 9 INTERPRETATION:
-Testifies in support of HB 3091.
-Responds to Sen. Dwyer regarding the -A1 amendments. Explains what is
meant by "verifiable hydrological scientific methods".
465 -Explains what is available to assess damage or effects on the aquifers.

Closes the Public Hearing on HB 3091

Opens the Work Session on HB 3091

Witnesses:

ELIZABETH FLORIO, Oregon Water Coalition
JERRY SCHMIDT, Oregon Ground Water Association
MARTHA PAGEL, Oregon Water Resources Department
REPRESENTATIVE NORRIS, House District 57

TAPE 147, SIDE B

028 ELIZABETH FLORIO, OREGON WATER COALITION: Testifies in support of HB
3091; discusses the substance of the bill and what the amendments do in
attempting to define "substantial interference".
-Requests an amendment to the amendment.

075 JERRY SCHMIDT, OREGON GROUND WATER ASSOCIATION: We worked with
Elizabeth Florio in regard to defining "substantial interference".
-Section 5, regarding quantification; language also appears in SB 674; we
want to make sure that nothing in this bill super-cedes SB 674. ORS
536.690
-Responds to Sen. Dwyer regarding distinguishing between issues in the -A1
amendment.

108 SEN. DWYER: Discusses his concern with this bill and the amendments in regard to how it will effect the scenic water ways.

120 MARTHA PAGEL: DEPARTMENT OF WATER RESOURCES: Testifies in opposition to HB 3091 [EXHIBIT Q].
-References the alternative to HB 3091, HB 2889A; a better way to deal with the problem presented.

173 CHAIR JOHNSON: Discusses the definition of "substantial interference" which adheres to specific sections of the ORS.

190 PAGEL: The two which are in our written testimony are ORS 620 which deals with the evaluation of new applications and 537.775 which deals with "unduly interference".

193 CHAIR JOHNSON: I feel that the bill is attempting to define something which is already in the existing statutes regarding the definition of "substantial interference".

202 PAGEL: Describes possible problems with the current definitions as compared to the new definition being proposed.

226 REP. NORRIS: Presumption based on proximity; we need to explore this in more detail.

258 MOTION: SEN. JOHNSON: Moves to AMEND HB 3091 by changing line 7 of the -A1 amendments, after "results" add a comma , and insert "as determined by the Water Resources Department, ".
VOTE: Hearing no objection the motion CARRIES.

262 MOTION: SEN. JOHNSON: Moves to AMEND HB 3091 by deleting line 10 to line 14.
VOTE: Hearing no objection the motion CARRIES.

267 MOTION: SEN. JOHNSON: Moves to ADOPT HB 3091-1 amendments dated 5/18/95 AS AMENDED.
VOTE: Hearing no objection the motion CARRIES.

271 MOTION: SEN. KINTIGH: Moves HB 3091 be sent to the floor with a DO PASS AS AMENDED recommendation.

275 SEN. DWYER: This will result in a conflict of ground and surface water and will cause a gross loss of senior water rights.

281 SEN. CEASE: I would have to agree with Sen. Dwyer.

300 CHAIR JOHNSON: Questions Martha Pagel to clarify why she thinks that this is actually going to be worse than your existing rules?

304 PAGEL: It's worse for the ground water user; explains.
-Clarifies testimony in regard to their rules, division 8, subsection 8; explains

348 SEN. KINTIGH: Withdraws his MOTION to move HB 3091 AS AMENDED to the Floor with a DO PASS recommendation.

Closes the Work Session on HB 3091

Opens the Public Hearing on HB 2889A

363 RICHARD KOSESAN, WATER FOR LIFE: Explains that the bill addresses two different issues. Testifies in support of HB 2889A. Explains the bill's intent.

371 MARTHA PAGEL: DEPARTMENT OF WATER RESOURCES: Testifies in support of HB 2889A; offers a slight amendment to language; page 3, line 35 after the word "use" delete "has the potential to cause", and insert "will impair", delete the word substantial and insert "substantially interfere, and insert "or unduly interfere".

-This change says that before we take action we have substantial facts.

Closes the Public Hearing on HB 2889A

Opens the Work Session on HB 2889A

448 MOTION: SEN. CEASE: Moves to AMEND HB 2889A by deleting "has the potential to cause" on page 3, line 35 of the bill, and by inserting "will impair," on page 3, line 35 of the bill, and by changing "substantial" to "substantially" and "interference" to "interfere," on page 3, line 36 of the bill, and by inserting "or unduly interfere" between the word 'interfere and the word with', on page 3, line 36 of the bill.

VOTE: Hearing no objection the motion CARRIES.

TAPE 148, SIDE A

024 MOTION: SEN. KINTIGH: Moves HB 2889A be sent 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: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 2889A

Opens the Work Session on HB 2782A

Witness:

KELLY ROSS, Oregon Association of Realtors

056 MOTION: SEN. JOHNSON: Moves to RECONSIDER the vote by which HB 2782A was sent to the Floor with a DO PASS recommendation.

VOTE: Hearing no objection the motion CARRIES.

047 KELLY ROSS, OREGON ASSOCIATION OF REALTORS: Explains why the committee should reconsider the vote of the committee in a previous work session. Discusses the -A3 amendments [EXHIBIT R].

-Discusses possible changes to the bill; sunset clause possibility?

70 CHAIR JOHNSON: Describes changes being made.

073 ROSS: Yes and adding the new language on page 1.

094 MOTION: SEN. JOHNSON: Moves to ADOPT HB 2782A-3 amendments dated 5/18/95.

VOTE: Hearing no objection the motion CARRIES.

096 MOTION: SEN. JOHNSON: Moves HB 2782A be sent to the floor with a DO

PASS AS AMENDED recommendation.

VOTE: 3-1
AYE: 3 - Johnson, Kintigh, Dwyer
NAY: 1 - Cease
EXCUSED: 1 - Shannon

CHAIR: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 2782A

Opens the Work Session on HB 2376A

Witnesses:

TODD HEIDGERKEN, Water for Life

MARTHA PAGLE, Department of Water Resources

115 MARTHA PAGLE, DEPARTMENT OF WATER RESOURCES: Explains the need for reconsideration of HB 2376A. Discusses the -A7 amendments [EXHIBIT S].

134 MOTION: SEN. JOHNSON: Moves to RECONSIDER the vote by which HB 2376A was sent to the Floor with a DO PASS recommendation.

VOTE: Hearing no objection the motion CARRIES.

138 PAGLE: Continues to testify regarding the draft status of the bill and the previous amendments to the bill, -A4. These were not adopted by the committee but they were recommended by the Department and by other members of the work group. Asks the committee to recall what changes were proposed

by the -A4 amendment; page 1, line 21...(allows Mr. Heidgerken to elaborate).

140 TODD HEIDGERKEN, WATER FOR LIFE: Mr. Chair, line 21 after the words "may submit" insert, "legally obtained information to the Department demonstrating that a reservoir exempt under subsection 1 of this section should not be exempt because...".

142 CHAIR JOHNSON: Is this "legally obtained" phrase in any of the (-A4) or (-A5) amendments?

155 PAGLE: They are in the (-A4) amendments.

160 CHAIR JOHNSON: I have handwritten in my copy that we did that in a different place, (-A4) at line 22 after the word "demonstrating" insert the phrase, "detailed legally obtained information".

Is that good enough, because it is essentially the same?

163 PAGLE: The (-A4) covers those changes. It may not have been adopted because of a substitution of the (-A5) amendments which were a requirement that the Department of Fish and Wildlife report the objections relating to fish. As an alternative our work group had proposed the (-A4) amendments; which would allow any person to bring forward the information but it would have to be in writing and it would have to be "detailed legally obtained information".

170 CHAIR JOHNSON: So you are saying that you want the (-A5) and the (-A4) amendments ?

171 PAGLE: We would prefer to have the (-A4) amendments and not the (-A5) amendments.

-The work group had agreed to the (-A4) amendments.

180- CHAIR JOHNSON: The (-A5) amendments were previously adopted and the bill was sent to the Floor as amended by those amendments. We are here now to consider as to whether those are responsible.

186 MOTION: SEN. JOHNSON: Moves to ADOPT HB 2376A-7 amendments dated
5/18/95.

VOTE: Hearing no objection the motion CARRIES.

190 HEIDGERKEN: Mr. Chair would it be possible to insert "legally obtained
information" or the specific language made after the word "demonstrating"
on line 22, or did we do that?

194 CHAIR JOHNSON: What I heard Martha say was that it was a policy choice
between the (-A4) amendments and the (-A5) amendments.

199 PAGEL: I understand that we cannot now remove the (-A5) amendments
previously agreed upon but the Water For Life people want the (-A4)
amendment language. We are not opposed to the adoption of the (-A4)
amendments.

202 MOTION: SEN. KINTIGH: Moves to ADOPT HB 2376A-4 amendments.

VOTE: Hearing no objection the motion CARRIES.

204 MOTION: SEN. KINTIGH: Moves HB 2376A be sent to the floor with a DO
PASS AS AMENDED recommendation.

VOTE: 3-1
AYE: 3 - Johnson, Kintigh, Dwyer
NAY: 1 - Cease
EXCUSED: 1 - Shannon

CHAIR: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 2376A

Re-opens the Work Session on HB 2709A

209 CHAIR JOHNSON: The urban reserve requirements and Section 5 are already
placed in SB 1114 which has already been passed out of this committee. My
opinion is that that is a good place for those clauses to remain.

237 MOTION: SEN. KINTIGH: Moves to AMEND HB 2709A by deleting "Section
5".

238 CHAIR JOHNSON: Any objection?

239 SEN. CEASE: I will be voting no on this bill.

240 SEN. DWYER: I will be voting no also.

241 CHAIR JOHNSON: We will recess this hearing until Sen. Shannon returns .

Closes the Work Session on HB 2709A

Opens the Public Hearing on HB 2697A

Witnesses:

GARY GUSTAFSON, Director, Division of State Lands
BILL PERRY, Oregon Farm Bureau

257 GARY GUSTAFSON, DIRECTOR, DIVISION of STATE LANDS: Testifies in support

of HB 2697A; explains the amount of work that has gone into creating this
bill. The bill provides a process for the DSL to use when we make
navigability claims of state waterways to determine what is state owned and

what is not. It ensures that we have adequate notification to property
owners and that there are public meetings and hearings for the community to

participate in. I am aware of the proposal of amendments and would like the opportunity to view them [EXHIBIT T].

257 BILL PERRY, OREGON FARM BUREAU: Testifies in support of HB 2697A.
-Discusses the -A6 amendments [EXHIBIT U].

Recesses the Public Hearing on HB 2697A

Opens the Work Session on HB 2709A

315 MOTION: SEN. KINTIGH: Moves to AMEND HB 2709A by deleting "Section 5".

VOTE: 3-2
AYE: 3 - Johnson, Kintigh, Bryant
NAY: 2 - Cease, Dwyer

CHAIR: The motion CARRIES.

326 MOTION: SEN. KINTIGH: Moves HB 2709A be sent to the floor with a DO
PASS AS AMENDED recommendation.

VOTE: 3-2
AYE: 3 - Johnson, Kintigh, Bryant
NAY: 2 - Cease, Dwyer

CHAIR: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 2709A

Re-opens the Public Hearing on HB 2697A
Witnesses: Refer to list on page 17

351 BILL PERRY, OREGON FARM BUREAU: Explains the -A6 amendments to the full committee.

380 GARY GUSTAFSON, DIRECTOR, DIVISION of STATE LANDS: Comments on the -A6 amendments and why the amendments were defeated in the House Natural Resource Committee. Full blown navigability hearings would have a large fiscal impact.

-Responds to Sen. Kintigh regarding the DSL's ability to respond quickly to navigability claims.

-Responds to Sen. Kintigh regarding the issue of completion in a timely manner with the use of a set time frame.

TAPE 149, SIDE A

010 SEN. CEASE: I don't have any problem with the time frame and I don't believe that it is the issue, but rather the problem I have is with the requirement that the DSL have to take the issue to court.

020 SEN. DWYER: I think that alternative dispute resolution is really reinventing government. Any time that we can minimize a conflict between the government and the people with out involving the courts, we are doing something.

025 SEN. SHANNON: Wants to know what Mr. Perry thinks about the large cost.

030 PERRY: I think that there is a big difference between this and the first section 8. The main difference is, if a person appeals. Some persons deserve a the right of recourse.

-Responds to Sen. Shannon regarding whether or not this is the same section

8 voted on in the House committee.

049 GUSTAFSON: They voted on the amendment in House Natural Resources; their committee was also concern for the cost.

-Responds to Chair Johnson regarding the use of alternative dispute resolution.

-Federal courts aren't going to allow the state to make a claim if the water body has been altered.

068 PERRY: There is no closure. From the Sandy River standpoint the bill is useless without the amendments. From the standpoint of the OFB section 8 is important.

078 CHAIR JOHNSON: Why can't we put in this section 8, a requirement that they initiate something short of a full blown federal court action?

086 PERRY: Because a federal court action is the one who ultimately decides.

091 GUSTAFSON: Agrees with Mr. Perry on his last point; why should we have to go to court and prove that the Columbia and the Willamette are navigable, just because the federal court has not judged the rivers to be navigable.

100 PERRY: Discusses the entitlements to the river and leases to the marina's.

110 SEN. SHANNON: How does the federal government challenge the navigability of the river?

113 PERRY: Explains the process in section 7 of the existing bill, challenging the final determination by the federal court. This provides us with a state remedy.

120 CHAIR JOHNSON: I am concerned with requiring a federal court action and the fiscal impact as a result; section 5 is the section referred to as the underlined action where the DSL board states it's claims, and section 7 says, anyone who disagrees with the decision can seek judicial review. The amendment would add a section 8; explains what this would do to the procedure of claims to navigability.

144 PERRY: Responds to questions from Chair Johnson, regarding the states ability to read federal rulings.

174 CHAIR JOHNSON: Discusses a conceptual amendment with the committee, regarding an attorney's fees clause.

180 GUSTAFSON: On Section 7 of the bill, that is primarily designed to deal with problems people have with the process. The process of going to court is still out there. The option is still there regardless of the inclusion of section 7.

192 CHAIR JOHNSON: What I would like to do is leave section 8 out because of the federal court issue having too much of a fiscal impact.

-The -A7 amendments includes the clause on attorney's fee's.

-Reads section 9 into the record and for the members who don't have the section in front of them on this bill.

242 MOTION: SEN. JOHNSON: Moves to CONCEPTUALLY AMEND HB 2697A-7 amendments by inserting "Section 9", with the exception that Section 8 on line 16 of the -A7 amendments be changed from 'Section 8' to 'Section 7'.

251 PERRY: I would think that as of now the land owner has been paying taxes, he has real property, he's not really getting compensation but he does deserve his day in court.

258 GUSTAFSON: It also says "other people aggrieved" who may or may not be land owners.

265 PERRY: I doubt there is going to be a group requesting less navigation.

269 CHAIR JOHNSON: There are times when the ordinary person needs protection from the weight and power of the State of Oregon; the state can afford the fee's but some ordinary people can't afford the attorney's fees.

-Restates the motion: To add section 9 of the -A7 with the exception of section 8 on lines 16 which is now section 7.

300 VOTE: 3-2
AYE: 3 - Johnson, Kintigh, Shannon
NAY: 2 - Cease, Dwyer

CHAIR: The motion CARRIES.

308 MOTION: SEN. JOHNSON: Moves HB 2697A be sent to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-2
AYE: 3 - Johnson, Kintigh, Shannon
NAY: 2 - Cease, Dwyer

CHAIR: The motion CARRIES.

Sen. Kintigh will lead discussion on the floor.

Closes the Work Session on HB 2697A

310 SEN. DWYER: Excused at 4:25 PM.

Opens the Public Hearing on HB 3239A

Witnesses:

REPRESENTATIVE DENNY JONES, House District 60
GARY GUSTAFSON, Division of State Lands
SUE HANNA, Legislative Counsel
JIM MYRON, Oregon Trout

326 REPRESENTATIVE DENNY JONES, HOUSE DISTRICT 60: Testifies in support of HB 3239A. --Presents the five components of the bill and introduces the -A2

amendments

[EXHIBIT V & W].

385 CHAIR JOHNSON: Section 3 would then be replaced by the -A2 amendments.

Who would appoint the committee?

404 REP. JONES: That is set out in here. There would be two members appointed by the Speaker of the House, two members by the Senate President and three members by the Land Board.

426 REP. JONES: We have not as yet "nailed down" a person with the appointing authority and we are open to your suggestions. Sue Hanna mentioned to me who might have the appointing authority.

449 CHAIR JOHNSON: If the section 3 is replaced as you have proposed, then the bill is OK?

456 REP. JONES: It is acceptable to the Governor's office.

TAPE 148, B

037 GARY GUSTAFSON, DIVISION OF STATE LANDS: Testifies in opposition to HB 3239A [EXHIBIT X].

048 CHAIR JOHNSON: Sub (c) of section 1, page 2, line 5 states: The DSL may terminate a lease upon the default of the lessee; sub (d) states: except as provided in (c), the DSL may not terminate. The bill does provide that you can terminate if there is a breach and compensation is only required if there is not a breach.

063 GUSTAFSON: Discusses the Grazing Fee advisory committee and the grazing fee rental rate produced by the committee. This rental fee has been opposed by ranchers who feel that this rate is too high.

088 SUE HANNA, LEGISLATIVE COUNSEL: Clarifies and comments on the constitutional issues in HB 3239A.

[All committee members out of the hearing room except for Chair Johnson]

134 JIM MYRON, OREGON TROUT: Testifies in opposition to HB 3239A.

144 CHAIR JOHNSON: Questions Mr. Myron regarding changes he would make to the composition of the proposed task force in the amendments as to inclusion of environmental community members.

Closes the Public Hearing on HB 3239A

Opens the Public Hearing on HB 3100A

Witness:

REPRESENTATIVE DENNY JONES, House District 60

163 REPRESENTATIVE DENNY JONES, HOUSE DISTRICT 60: Testifies in support of HB 3100A. Clarifies -A4 amendments [EXHIBIT Y].
-Continues to testify.

226 CHAIR JOHNSON: Asks for clarification regarding water the right application process.

252 REP. JONES: Responds regarding the backlog of water right applications.

The sole purpose is to get rid of that backlog.

RECESS PUBLIC HEARING ON HB 3100A

OPENS WORK SESSION ON HB 2501

Witnesses:

JON CHANDLER, General counsel, Metro Home Builders Association
CHARLES SWINDELLS, 1000 Friends of Oregon

296 JON CHANDLER, GENERAL COUNSEL, METROPOLITAN HOME BUILDERS ASSOCIATION: Testifies and clarifies -A2 amendments [EXHIBIT Z].

381 CHANDLER: Continues with clarification on -A2 amendments to HB 2501.

TAPE 149, B

001 CHANDLER: Continues to testify in regard to the -A2 amendments, making HB 2501 more acceptable to all parties concerned.

022 CHARLES SWINDELLS, 1000 FRIENDS of OREGON: Has previously submitted written testimony.

027 MOTION: SEN. JOHNSON: Moves to ADOPT HB 2501-2 amendments dated 5/18/95.

VOTE: Hearing no objection the motion CARRIES.

029 MOTION: SEN. KINTIGH: Moves HB 2501 be sent to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-0

AYE:

EXCUSED:

In a roll call vote, all members present vote Aye.
2 - Cease, Dwyer

CHAIR: The motion CARRIES.

Sen. Kintigh will lead discussion on the floor.

Closes the Work Session on HB 2501

Opens the Public Hearing on HB 2754A

Witnesses:

RICHARD KOSESAN, Water for Life
MARTHA PAGEL, Department of Water Resources
JACKIE GREENLEY, Department of Parks and Recreation
JIM MYRON, Oregon Trout
DOUG MYERS, Water Watch
ROY ELKER, Oregon Department of Fish and Wildlife

046 RICHARD KOSESAN, WATER FOR LIFE: Testifies in support of HB 2754A [EXHIBIT AA].

-Provides a background and explains the bill; The bill would amend the Instream Water Rights Act. With the understanding reflected in the definition of "instream flow", the Department does not oppose the definition. The Department strongly opposes the remainder of HB 2754A.

098 MARTHA PAGEL, DEPARTMENT of WATER RESOURCES: Testifies in opposition to HB 2754A.

-The provisions in HB 2754A would substantially change the definition of "instream water rights" and the ability of state agencies to protect instream flows and to carry out the intent of the Instream Water Rights Act.

111 JACKIE GREENLEY, DEPARTMENT of PARKS and RECREATION: Testifies in opposition to HB 2754A.

-States the departmental problems with the bill.

143 PAGEL: Responds to Sen. Johnson regarding "Oregon methodology". That language appears on page 1 of the bill, lines 9 and 10; the process is a good one, however, expensive.

176 JIM MYRON, OREGON TROUT: Testifies in opposition to HB 2754A.

-Discusses the exemption for the Klamath Basin.

189 DOUG MYERS, WATER WATCH: Testifies in opposition to HB 2754A [EXHIBIT BB].

-Outlines the objections to HB 2754A; section 2, section 3(2), section 4(3), section 6(1) and section 6(2).

218 MYRON: Responds to Chair Johnson regarding Section 5, water rights for the Klamath Basin.

-This would place agricultural water rights before instream water rights.

243 PAGEL: Responds to Sen. Johnson regarding Line 9, Page 1 regarding "Oregon methodology".

260 ROY ELKER, OREGON DEPARTMENT OF FISH AND WILDLIFE: Responds to Sen. Johnson regarding the "Oregon methodology". The Oregon methodology has been superceded by the Incremental Instream Flow methodology and is one of the most used methodology's.

Closes the Public Hearing on HB 2754A

Opens the Work Session on HB 2754A

Witness:

RICHARD KOSESAN, Water For Life

283 CHAIR JOHNSON: Discusses HB 2754A. Section 6. This section would change the instream process certificate outside of the gate to a 2 year permit. Section 2, page 1 on the standard methodology is another issue and

the Park and Recreation issue on instream flows not exceeding Fish and

Wildlife flows, which has the effect of making the instream application process for the Parks very viable if they can't ask for any more than the Fish and Wildlife has already asked for.
-Section 5, on the Klamath Basin of which I am not completely clear on.

324 RICHARD KOSESAN WATER FOR LIFE: Our preference would be to leave Section 6 of HB 2754A in the bill, but it is workable if it is left out; it is a very controversial section.

349 SEN. KINTIGH: Asks for clarification regarding SB 674.

366 MOTION: SEN. JOHNSON: Moves to AMEND HB 2754A by deleting "Section 6".

VOTE: Hearing no objection the motion CARRIES.

368 CHAIR JOHNSON: For record I wish that we could come to some agreement on "Oregon and other methodology". I get the feeling that there are numerous methodology's and some that may be better than the Oregon methodology.

384 KOSESAN: The IFIM methodology is a good method and has been used by ODFW and can be conducted in a very inexpensive manner.

394 CHAIR JOHNSON: My question concerns whether or not there is any better language that would describe the kind of methodology that we would like to see used rather than the generic.

406 KOSESAN: Proposes a possible language change to accommodate Chair Johnson's concerns.

431 MOTION: SEN. JOHNSON: Moves to AMEND HB 2754A by changing the word 'the' to 'a', and by deleting the word 'most' on line 9 of the bill.

VOTE: Hearing no objection the motion CARRIES.

437 MOTION: SEN. SHANNON: Moves HB 2754A be sent to the floor with a DO

PASS AS AMENDED recommendation.

VOTE: 3-0

AYE:

In a roll call vote, all members present vote Aye.

EXCUSED:

2 - Cease, Dwyer

CHAIR: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 2754A

Opens the Public Hearing on HB 3356A

Witnesses:

ROY BURNS, IGRC, Lane County

BOB RINDY, Department of Land Conservation Development

CHARLES SWINDELLS, 1000 Friends of Oregon

TAPE 150, A

020 ROY BURNS, I.G.R.C., LANE COUNTY: Testifies in support of HB 3356A.
-Responds to Sen. Kintigh regarding the secondary lands bill; Lane county has a choice.

062 BOB RINDY, DEPARTMENT of LAND CONSERVATION DEVELOPMENT: Testifies in opposition to HB 3356A.
-Current restrictions regarding high value farm land are warranted and should stay in place.

095 CHARLES SWINDELLS, 1000 FRIENDS of OREGON: Testifies in opposition to HB 3356A. [EXHIBIT CC].

120 BURNS: Responds to Sen. Kintigh regarding the designation of marginal lands in the Lane county area.

162 -Responds to Sen. Kintigh regarding what will happen if HB 3356A is not adopted.

-Responds to Sen. Kintigh regarding the income test.

Closes the Public Hearing on HB 3356A

Opens the Work Session on HB 3356A

200 MOTION: SEN. KINTIGH: Moves HB 3356A be sent to the floor with a DO

PASS recommendation.

VOTE: 3-0

AYE:

In a roll call vote, all members present vote Aye.

EXCUSED:

2 - Cease, Dwyer

CHAIR: The motion CARRIES.

SEN. KINTIGH will lead the discussion on the Floor.

Closes the Work Session on HB 3356A

Opens the Public Hearing on HB 3457

Witnesses:

TERRY WITT, Oregonians for Food and Shelter

REPRESENTATIVE LESLIE LEWIS, House District 29

ART SCHLACK, Association of Oregon Counties

224 TERRY WITT, OREGONIANS FOR FOOD AND SHELTER: Testifies in support of HB

3457 [EXHIBIT DD].

-Outlines the goals of the bill.

260 REPRESENTATIVE LESLIE LEWIS, HOUSE DISTRICT 29: Testifies in support of

HB 3457. Proposes (-1) amendments to the bill [EXHIBIT EE].

-Requests that the committee not adopt, rather delete sections 14-18 of the

proposed (-1) amendments; sections 19-28 are from the adult prisons citing bill (HB 2214), be added to HB 3457, and sections 29 through 44 are the juvenile prison citing and we are asking that this be added also.

308 ART SCHLACK, ASSOCIATION OF OREGON COUNTIES: Testifies in support of HB

3457 with the (-2) and (-3) amendments [EXHIBIT FF & GG].

-Explains in detail the two sets of proposed amendments.

376 -Responds to Sen. Kintigh regarding capability tests.

-Offers additional conceptual amendment regarding farm tests. Suggests that after line 9 on page 2, that a sub (6) be added, stating that "The provisions of subsections 1-5 of this section shall not apply to Washington, Clackamas and Multnomah counties.

TAPE 151, A

001 SCHLACK: Continues clarifying (-2) and (-3) amendments to HB 3457.

-Suggests a conceptual amendment to the (-3) amendment on page 3, line 4, Insert "and amendment to".

042 REP. LEWIS: Responds to Sen. Shannon's question regarding the (-1) amendments and proposed changes. The reason why the section numbers don't match up because the amendments were drafted at different times.

-Recaps (-1) amendment amendments.

Closes the Public Hearing on HB 3457

Opens the Work Session of HB 3457

100 CHAIR JOHNSON: On page 10 of the (-1) amendments on line 3, there is a typing error; the word 'conditions' should be 'decisions'.

121 MOTION: SEN. JOHNSON: Moves to CONCEPTUALLY AMEND HB 3457-3 proposed amendments by inserting "and amendment to" before "the words 'an acknowledged comprehensive plan'" on page 3, line 4.

VOTE: Hearing no objection the motion CARRIES.

127 MOTION: SEN. JOHNSON: Moves to ADOPT HB 3457-3 amendments dated 5/18/95.

VOTE: Hearing no objection the motion CARRIES.

139 MOTION: SEN. JOHNSON: Moves to CONCEPTUALLY AMEND HB 3457-1 amendments by deleting page 1, line 3 through page 13, line 5. The (-1) amendments as amended will then begin with section 29 on juvenile prisons and continue through the end of the (-1) amendments as amended.

VOTE: Hearing no objection the motion CARRIES.

150 MOTION: SEN. JOHNSON: Moves to ADOPT HB 3457-1 amendments dated 5/17/95 AS AMENDED.

VOTE: Hearing no objection the motion CARRIES.

159 MOTION: SEN. JOHNSON: Moves HB 3457 be sent to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-1
AYE: 3 - Johnson, Kintigh, Shannon
NAY: 1 - Cease
EXCUSED: 1 - Dwyer

CHAIR: The motion CARRIES.

Sen. Johnson will lead discussion on the floor.

Closes the Work Session on HB 3457

Opens the Public Hearing on HB 3348A

Witnesses:

GARY CONKLIN, Destination Resorts
BOB RINDY, Department of Land Conservation Development
DON SCHELLENBERG, Oregon Farm Bureau
CHARLES SWINDELLS, 1000 Friends of Oregon
MARION MILLARD, Redmond, Oregon

183 GARY CONKLIN, DESTINATION RESORTS: Testifies in support of HB 3348A [EXHIBIT HH].

-Discusses Oregon's statewide planning goals with specific attention to Goal

8.

231 CONKLIN: Responds to Sen. Cease regarding Goal 8 and the building of destination resorts.

251 BOB RINDY, DLCD: Testifies on behalf of the Department with concerns regarding HB 3348A.

-Discusses the two ways currently available for siting a resort: The exceptions process and the other is the expedited siting process developed in the '80's by the legislature, working with the developers, and other interests.

-Under the goal 8 of Oregon Planning, 3 destination resorts have been

approved but have not yet been built.

-HB 3348A takes away a very important requirement for the Department; the 2

to 1 ratio of owner occupied housing to overnight accommodations [EXHIBIT II].

330 DON SCHELLENBERG, OREGON FARM BUREAU: Testifies in opposition to HB 3348A.

-Land use planning should continue to minimize conflicts as it has for so many years; this bill says "never mind land use planning and the protection

of resource lands, if you have enough money and big enough plans you can site the resort on the best land in the state".

-This bill is not good land use planning.

358 CHARLES SWINDELLS, 1000 FRIENDS of OREGON: Testifies in opposition to HB 3348A [EXHIBIT JJ].

-Primary objections: No protection for good farm soils on the resort site,

no protection for nearby productive farmland, limited ability to review, and no limits on residential development.

TAPE 150, B

001 MARION MILLARD, Redmond, Oregon: Testifies in opposition to HB 3348A [EXHIBIT KK]. Reads her written testimony.

Closes the Public Hearing on HB 3348A

Reopens the Public Hearing on HB 3100A

Witnesses:

MARTHA PAGEL, Director, Oregon Water Resources Department

PETE TEST, Oregon Farm Bureau

ANDREW PURKEY, Oregon Water Trust

JIM MYRON, Oregon Trout

JONI LOW, League of Oregon Cities

GAYLE KILLAM, Oregon Environmental Council

SUSAN SCHNEIDER, City of Portland

MARION MILLARD, Redmond, Oregon

TOM O'CONNOR, Oregon Municipal Electric Utilities

DOUG MYERS, Water Watch

050 MARTHA PAGEL, DIRECTOR, OREGON WATER RESOURCES DEPARTMENT: Testifies in opposition to HB 3100A [EXHIBIT LL].

060 PAGEL: Provides a brief background on the bill.

-Summarizes: The bill would establish a 50% water availability standard for water right applications and prohibit the transfer of agricultural water rights to other uses.

071 PETE TEST, OREGON FARM BUREAU: Testifies in support of HB 3100A.

116 ANDREW PURKEY, OREGON WATER TRUST: Testifies in opposition to HB 3100A.

[EXHIBIT MM].

-Opposes the bill primarily because the bill would severely limit or prohibit the OWT efforts.

-Responds to Chair Johnson regarding funding of OWT.

150 JIM MYRON, OREGON TROUT: Testifies in opposition to HB 3100A.

-Suggests an amendment to the bill; line 16, page 2, change the 50% to 80%,

on line 30 of page 2, remove the bolded language, and on line 17 and 18, page 3, remove the bolded language.

168 GAYLE KILLIAM, OEC: Testifies in opposition to HB 3100A. Does not support the amendment proposed by Rep. Jones [EXHIBIT NN].

-Responds to Chair Johnson regarding the transfer of water rights.

250 JONI LOW, LEAGUE OF OREGON CITIES: Testifies in opposition to HB 3100A [EXHIBIT OO]. We would support the amendment offered by Oregon Trout.

-Explains what the 50% exceedence level has to do with the League of Oregon Cities.

279 TOM O'CONNOR, OREGON MUNICIPAL ELECTRIC UTILITIES: Testifies in opposition to HB 3100A. Discusses the valuable options in voluntary transfers of water rights.

301 SUSAN SCHNEIDER, City of Portland: Testifies in opposition to HB 3100A.

310 DOUG MYERS, WATER WATCH: Testifies in opposition to HB 3100A [EXHIBIT PP].

358 CHAIR JOHNSON: Comments regarding the right to irrigate farm land. The whole rationale behind the land use system is being revealed by this bill; or the lack of rationale, maybe.

379 MARION MILLARD, Redmond, Oregon: Testifies in opposition to HB 3100A.

TAPE 151, SIDE B

001 MILLARD: Continues testimony in opposition to HB 3100A.

CLOSES PUBLIC HEARING ON HB 3100A

Adjourns meeting at 6:57 PM.

Submitted by,

Reviewed by,

Sarah A. Myers,
Committee Assistant

Kim Shadley,
Committee Assistant

EXHIBIT SUMMARY

A- Testimony on HB 2561A -- Fred VanNatta -- 6 pages.
B- Dash A2 amendments to HB 2963A -- Staff -- 2 pages.
C- Testimony on HB 3124A -- Jon Chandler -- 1 page.
D- Dash A3 amendments to HB 3124A -- Staff -- 1 page.
E- Testimony on HB 2500A -- Jon Chandler -- 1 page.
F- Dash A7 amendments to HB 2500A -- Staff -- 1 page.
G- Testimony on HB 2785A -- Jenifer Robinson -- 1 page.
H- Testimony on HB 2658A -- Jon Chandler -- 1 page.
I- Dash A4 amendments to HB 2658A -- Staff -- 1 page.
J- Dash A05 amendments to HB 2658A -- Staff -- 1 page.
K- Testimony on HB 2709A -- Jon Chandler -- 1 page.
L- Dash A3 amendments to HB 3225A -- Staff -- 1 page.
M- Testimony on HB 3225A -- Martha Pagel -- 3 pages.
N- Proposed amendments to HB 3185A -- Jerry Justice -- 1 page.
O- Testimony on HB 3091 -- Rep. Norris and constituents -- 19 pages.
P- Dash 1 amendments to HB 3091 -- Staff -- 1 page.
Q- Testimony on HB 3091 -- Martha Pagel -- 7 pages.
R- Dash A3 amendments to HB 2782A -- Staff -- 1 page.
S- Dash A7 amendments to HB 2376A -- Staff -- 1 page.
T- Testimony on HB 2697A -- Gary Gustafson -- 1 page.
U- Dash A6 amendments to HB 2697A -- Staff -- 1 page.
EXHIBIT SUMMARY: CONTINUED
V- Proposed dash 2 amendments to HB 3239A -- Rep. Denny Jones -- 2 pages.
W- Draft proposed amendments to HB 3239A -- Rep. Denny Jones -- 4 pages.
X- Testimony on HB 3239A -- Gary Gustafson -- 5 pages.
Y- Dash A4 amendments to HB 3100A -- Staff -- 1 page.
Z- Proposed dash 2 amendments to HB 2501 -- Staff -- 1 page.
AA- Testimony on HB 2754A -- Martha Pagel -- 3 pages.
BB- Testimony on HB 2754A -- Doug Myers -- 3 pages.
CC- Testimony on HB 3356A -- 1000 Friends of Oregon -- 1 page.
DD- Testimony on HB 3457 -- Terry Witt -- 1 page.
EE- Proposed amendments to HB 3457-1 -- Rep. Leslie Lewis -- 27 pages.
FF- Proposed amendments to HB 3457-2 -- Art Schlack -- 2 pages.
GG- Proposed amendments to HB 3457-3 -- Art Schlack -- 7 pages.
HH- Testimony on HB 3348A -- Gary Conkling -- 3 pages.
II- Testimony on HB 3348A -- Bob Rindy for Governor J. Kitzhaber -- 2 pages.

JJ- Testimony on HB 3348A -- Charles Swindells -- 3 pages.
KK- Testimony on HB 3348A -- Marion Millard -- 3 pages.
LL- Testimony on HB 3100A -- Martha Pagel -- 3 pages.
MM- Testimony on HB 3100A -- Andrew Purkey -- 2 pages.
NN- Testimony on HB 3100A -- Gayle Killam -- 2 pages.
OO- Testimony on HB 3100A -- Joni Low -- 1 page.
PP- Testimony on HB 3100A -- Water Watch -- 2 pages.