

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes - 77

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
Kimberly Shadley, Committee Assistant

MEASURES HEARD:

SB 1030

SB 600

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

CHAIR JOHNSON: Calls the hearing to order. (1:09 p.m.)

PUBLIC HEARING ON SB 1030

WITNESSES: KEVIN HANWAY, UMPQUA BASIN WATER ASSOCIATION
NOLE GROSHONG, UMPQUA BASIN WATER ASSOCIATION
STEVE APPLGATE, WATER RESOURCES DEPARTMENT

010 KEVIN HANWAY, UMPQUA BASIN WATER ASSOCIATION: Gives background; this is
the distinction between municipal and non-municipal; water suppliers.

033 NOLE GROSHONG, UMPQUA BASIN WATER ASSOCIATION: Describes reason the
bill is needed.

(Becoming a special district is undesirable and not necessary.

HANWAY: This wouldn't allow an expansion of the amount of water
appropriated.

060 STEVE APPLGATE, WATER RESOURCES DEPARTMENT: The Department does
support this bill in it's current form.

(The only thing this would allow is a change in the place of use, not
allowing any additional uses.

075 SEN. BRYANT: If you don't do this peoples only resource would be to
drill wells.

SEN. DWYER: We have to be careful of prohibitions on drilling your own
wells.

APPLGATE: I would presume that is a local ordinance.

SEN. KINTIGH: Do you have conservation practices other than metering?

GROSHONG: Describes; the system is thirty years old but in good shape.

WORK SESSION ON SB 1030

130 MOTION: SEN. KINTIGH MOVES SB 1030 TO THE FLOOR WITH A DO PASS
RECOMMENDATION

136 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES UNANIMOUSLY. CARRIER:
SEN. KINTIGH

WORK SESSION ON SB 600

Witness: RUTH SPETTER, CITY OF PORTLAND

145 CHAIR JOHNSON: Describes SB 600A, see (EXHIBIT A).
(Tax credit approach as opposed to check or money.
(Continues describing SB 600A.

185 CHAIR JOHNSON: SB 531 has been added to the end of SB 600A.
(The City of Portland has brought some technical problems to my attention
and I hope we can get those addressed.

225 SEN. CEASE: What is the intent of SB 531 being tacked on to the end?

CHAIR JOHNSON: It is just to combine the two bills.

SEN. CEASE: You are talking about income tax credits, so that the burden
or cost of the takings would be on the state, not the local government;
does this bill have a referral to the Revenue Committee?

CHAIR JOHNSON: The way it is written now the credit wouldn't be used in
this biennium.

SEN. CEASE: We are talking about a program where the state has to pick up
the cost; if you can't provide the money, then there is pressure on the
agency and regulating authority.

290 CHAIR JOHNSON: 10% can be taken without any impact or cost.

SEN. BRYANT: Is there a subsequent referral to Ways and Means?

CHAIR JOHNSON: As the bill came to us there is no subsequent referral.

SEN. BRYANT: Local governments will have to do a study to see the impact.
The state general fund would have to pay; we need some safeguard built in.

SEN. DWYER: The whole concept of being able to sell tax credits isn't
treating everyone equally; tax credits don't benefit people that don't have
money.

460 SEN. DWYER: Ten years is too long.

TAPE 77, SIDE A

030 CHAIR JOHNSON: If you make it short you'll have to give them notice.

SEN. DWYER: I'd be more happy with notice so that government can have some
finality.

(We need some method of splitting the cost; local governments aren't going
to be so sensitive.

SEN. CEASE: The funding is the major issue; if you want a process that
provides for more effort on the part of local government, you don't have

another government pay.

Senator Cease and Chair Johnson discuss SB 600A.

155 CHAIR JOHNSON: The bill is based on fair market value.

225 SEN. BRYANT: There has been a problem; how would you address that, recognizing that you don't believe SB 600 is the way to go?

SEN. CEASE: During the interim there would be a serious undertaking, having all parties at the table; you have to figure out who pays, how it effects the budget and the ownership issue.

290 CHAIR JOHNSON: The issue here is if there is a way to make local government more accountable.

SEN. DWYER: I don't want to give them the authority to take 10% for free.
(Describes situation in his district; the local governments are initiating

the ecotakes.

395 RUTH SPETTER, CITY OF PORTLAND: The city is concerned about the amount of litigation that will come about as this is implemented.
(Follows written testimony, see (EXHIBIT B).

TAPE 76, SIDE B

SPETTER: Continues with written testimony. see Exhibit B.

060 SPETTER: You have a legal definition from the courts about what a taking is and here you are suggesting compensation even though that standard hasn't been met.

CHAIR JOHNSON: Uses hypothetical situation to clarify what is an ecotake.

135 SPETTER: Comments on the emergency regulation in section two.

175 CHAIR JOHNSON: The federal government needs controls on it.
(The reason I put the court in here is because it is a bigger step.

SPETTER: I hate to see public funds spent going to court for reasons that aren't really honest.

I'm asking to get this broadened so that if we are forced to do something by the federal government we don't have to pay compensation for it.

The committee members discusses the appropriate venue.

SPETTER: Continues with written testimony, see Exhibit B.

425 SEN. DWYER: Claims would be more appropriate.

SPETTER: Subsection two of nine, see Exhibit B.

TAPE 77, SIDE B

Chair Johnson and Senator Dwyer discuss SB 600A.

260 SPETTER: Continues with written testimony, see Exhibit B.

CHAIR JOHNSON: We are adjourned.

Submitted by, Reviewed by,

Kimberly Shadley	Karen Quigley
Committee Assistant	Committee Counsel

EXHIBIT SUMMARY:

- A - SB 600: Proposed amendments submitted by staff, pp
- B - SB 600: Written testimony submitted by Spetter, pp
- C: SB 531: Written testimony submitted by Staff for the record, pp 1\