

SENATE COMMITTEE ON
WATER AND LAND USE

Hearing Room A
3:00 PM Tapes - 112

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: SB 1113 WORK SESSION
SB 1118 PUBLIC HEARING
SB 791 PUBLIC HEARING
SB 1139 PUBLIC HEARING AND WORK SESSION
SB 1033 WORK SESSION
SB 516 WORK SESSION
SB 613 WORK SESSION

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

Due to technical difficulties there is a small delay in the audio taping.

004 CHAIR JOHNSON: Convenes the hearing at 3:10 P.M.
OPENS WORK SESSION ON SB 1113

SB 1113 - WORK SESSION

MOTION: CHAIR JOHNSON moves to pull SB 1113 back into committee.

VOTE: Hearing no objection, the motion CARRIES.

MOTION: CHAIR JOHNSON moves to amended SB 1113 as proposed by Legislative Counsel.

VOTE: Hearing no objection, the motion CARRIES. Sens. Cease and Dwyer are excused.

MOTION: CHAIR JOHNSON moves to delete paragraph two of SB 1113.

VOTE: Hearing no objection, the motion CARRIES.

MOTION: CHAIR JOHNSON moves to send SB 1113 as amended to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. All members present vote AYE. Sens. Cease and Dwyer are excused. CARRIER: JOHNSON

025 CHAIR JOHNSON: CLOSSES WORK SESSION ON SB 1113
OPENS PUBLIC HEARING ON SB 1118
CLOSSES PUBLIC HEARING ON SB 1118
OPENS PUBLIC HEARING ON SB 791
CLOSSES PUBLIC HEARING ON SB 791
OPENS PUBLIC HEARING ON SB 1139

SB 1139 - PUBLIC HEARING

062 CHAIR JOHNSON: Explains the necessity of SB 1139.

073 SEN. CEASE: Discusses why he will be voting no on SB 1139.

081 SEN. BRYANT: Questions the current process allowed for logging truck parking.

084 CHAIR JOHNSON: Explains that it is currently considered a conditional use issue.

087 SEN. BRYANT: Discusses the problems with filing a conditional use permit.

090 SEN. CEASE: What is the period "reasonable for the local government"?

094 CHAIR JOHNSON: If there are restrictions that the trucks can no longer be used then those would be unreasonable.

110 SEN. KINTIGH: Explains a situation that limited the hours that logging trucks were allowed.

114 CHAIR JOHNSON: As long as the restrictions do not limit the reasonable use of the trucks then it is reasonable.

120 SEN. BRYANT: Questions the use of Farm product trucks instead of logging trucks.

122 CHAIR JOHNSON: There must be concerns about chip trucks.

SEN. BRYANT: Depending on where you park your trucks, I can see a reasonable restriction if you can put it in such a way, that if it becomes a nuisance for your neighbor. Reasonable conditions need to be addressed by local government, so that they can say you have to have it 10 feet off the road.

130 CHAIR JOHNSON: CLOSSES THE PUBLIC HEARING ON SB 1139
OPENS A WORK SESSION ON SB 1139

SB 1139 - WORK SESSION

144 SEN. DWYER: Does city counsel limit to one or three trucks. I want to accommodate those who want to make a living.

154 CHAIR JOHNSON: Explains the last line which states "reasonable restrictions."

160 SEN. BRYANT: Maybe put a limit on the number of trucks here.

165 SEN. DWYER: The sky's the limit with the absence of any regulatory system.

176 SEN. BRYANT: Suggests language.

181 CHAIR JOHNSON: Explains the language that Committee Counsel Karen Quigley suggests.

SEN. DWYER: Suggests that the term "parking" be deleted.

191 CHAIR JOHNSON: Explains the language proposed.

MOTION: CHAIR JOHNSON moves to accept the amendment as proposed. "Do not apply to parking for not more than two forest product trucks."

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

MOTION: SEN. KINTIGH moves that SB 1139 as amended, be moved to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. Sens. Bryant, Dwyer, Kintigh and Johnson: vote AYE. SEN. CEASE vote NAY. CARRIER: KINTIGH

211 CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 1139
OPENS WORK SESSION ON SB 1033

SB 1033 - WORK SESSION

KAREN QUIGLEY, Committee Counsel: Submits Proposed SB 1033-6 amendments (EXHIBIT G).

218 SEN. BRYANT: Explains the 1033-6 amendments.
--Page five the word "interfere" is ambiguous.

324 SEN. DWYER: This is a very sensitive issue because of the Diack issue.

On page five, line three, the last word on the line "may" should be changed to "shall" for reasons of consistency.

352 SEN. BRYANT: I have no objection.

MOTION: SEN. BRYANT moves that the SB 1033-6 amendments as proposed to be amended be accepted. (Changing "may" to "shall" on page three line five.)

VOTE: Hearing no objection the motion is ADOPTED. All members present.

MOTION: CHAIR JOHNSON moves to accept the SB 1033-6 amendments as amended into the language of the bill.

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

MOTION: SEN. BRYANT moves SB 1033 as amended to the Floor with a DO PASS recommendation.

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

TAPE 112 SIDE A:

010 CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 1033
OPENS THE WORK SESSION ON SB 516

SB 516 - WORK SESSION

Witnesses:

Elizabeth Florio, Oregon Wheat Growers
Steve Applegate, Water Resource Department

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 516-4 amendments (EXHIBIT_D).

016 ELIZABETH FLORIO, Oregon Wheat Growers : Testifies in support of SB 516.

028 SEN. DWYER: I don't mind some flexibility, but our fish are really in trouble, I think its reasonable to make a conditional that the diversions are to be screened.

044 FLORIO: I believe that some do and some don't.

046 SEN. DWYER: The law requires that they are all screened. Some are Screened now, and some aren't.

050 CHAIR JOHNSON: Is that for new permits or old permits?

052 SEN. DWYER: The law now states that they all have to be screened.

061 CHAIR JOHNSON: Don't we pay for the cost of the screen?

063 SEN. DWYER: We pay for all but about 6% of the cost.

068 SEN. CEASE: The law requires that they be screened, but they are not, and you want the law to be nonenforced?

070 SEN. DWYER: I want to make it a condition of the water resource.

084 CHAIR JOHNSON: Discusses some appropriate language.

087 SEN. DWYER: If the permit is conditional for a new point of diversion.

090 CHAIR JOHNSON: You want to change the permit.

098 STEVE APPLGATE, Water Resource Department: A vast number of permits have required the Department of Fish and Wildlife to screen. This bill allows a point of diversion for wells too, and we do not screen for wells.
-- That the diversion is provided if requested by the Department of Fish and Wildlife.

120 CHAIR JOHNSON: Discusses the proposed amendment.

MOTION: CHAIR JOHNSON: Moves to accept the amendment to the amendment as proposed.

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

MOTION: CHAIR JOHNSON moves to accept the SB 516-4 amendments as proposed.

VOTE: Hearing no objection, the motion CARRIES. Sen. Bryant is EXCUSED.

MOTION: SEN. DWYER moves to send SB 516 as amended to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. All members present vote AYE. Sen. Bryant is EXCUSED. CARRIER: JOHNSON

160 CHAIR JOHNSON CLOSSES THE WORK SESSION ON SB 516
OPENS THE WORK SESSION ON SB 613

SB 613 - WORK SESSION

Witnesses: Bob Rindy, Department of Land Conservation and Development (DLCD)

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 613-2 amendments (EXHIBIT_E).

165 CHAIR JOHNSON: Discusses the history of SB 613.
-- In response to Sen. Cease explains the proposed amendments.

193 BOB RINDY, Department Of Land Conversation And Development (DLCD):
Testifies in opposition to the proposed amendments.

212 SEN. CEASE: Reads section one and explains its context.

220 RINDY: There is a process that LCDC is observing that attacks the Goal
5. Part of that report suggests to hand off to other agencies.

233 CHAIR JOHNSON: Explains the conflict of interest.

SEN. DWYER: This study isn't going to be done by them. It's going to be
done about them?

250 SEN. CEASE: It would still take additional staff, which they do not
have.

262 CHAIR JOHNSON: Questions the use of volunteers.

MOTION: CHAIR JOHNSON moves to amend SB 613 with the SB 613-2 amendments.

VOTE: Hearing no objection, the motion CARRIES. Sen. Bryant is EXCUSED.

MOTION: CHAIR JOHNSON moves to send SB 613 as amended to the Floor with a
DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. Sens. Dwyer, Kintigh and
Chair Johnson votes AYE. Sen. Cease votes NAY. CARRIER: JOHNSON

313 CHAIR JOHNSON: CLOSSES THE WORK SESSION ON SB 613
OPENS THE PUBLIC HEARING ON SB 1118

SB 1118 - PUBLIC HEARING

Witnesses: Paul Hannamen, Oregon Maritime Center
Jack Taylor, Oregon Maritime Center
Jennifer Robinson, Special Director of State Lands

GARY GUSTAFSON, Director, Division of State Lands: Submits prepared
testimony on SB _1118 (EXHIBIT B).

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 1118-1 amendments
(EXHIBIT_C).

320 PAUL HANNAMEN, Oregon Maritime Center: Testifies in support of SB 1118

TAPE 111 SIDE B

003 JACK TAYLOR, Oregon Maritime Center And Museum: Testifies in support of
SB 1118. Submits prepared testimony (EXHIBIT A)

Discussion occurs between Sen. Dwyer and Chair Johnson on the validity of
the constitutional requirement of having funds go to the schools.

074 JENNIFER ROBINSON, Special Director Of State Lands: Testifies in
opposition to SB 1118. Agrees with the SB 1118-1 amendments. Provides
some clarifying language. Explains that it is a statute requirement to
send the money to the schools, not a constitutional requirement.

122 SEN. DWYER: Explains the history and the problems of SB 1118.

138 SEN. BRYANT: This would have to go to Ways and Means.

141 CHAIR JOHNSON: CLOSSES THE PUBLIC HEARING ON SB 1118
OPENS THE PUBLIC HEARING ON SB 791

SB 791 - PUBLIC HEARING

Witness: Sen. Marilyn Shannon, Oregon State Senator, District 15

KAREN QUIGLEY, Committee Counsel: Submits proposed SB 791-1 amendments (EXHIBIT_F).

156 SEN. MARILYNN SHANNON, Oregon State Senator, District 15: Testifies in support of SB _791.

168 SEN. CEASE: Explains the context of the bill as amended. States his pleasure of the current amendments.

200 CHAIR JOHNSON: CLOSES THE PUBLIC HEARING ON 791.
-Adjourns the hearing at 4:20 P.M.

Submitted by, Reviewed by,

Patricia Wehrli Karen Quigley
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Prepared Testimony on SB 1118 - Jack Taylor -- 3 Pages
- B - Prepared Testimony on SB 1118 -- Gary Gustafson -- 2 Pages
- C - Proposed SB 1118-1 Amendments -- Karen Quigley -- 1 Page
- D - Proposed SB 516-4 Amendments - Karen Quigley -- 3 Pages
- E - Proposed SB 613-2 Amendments - Karen Quigley -- 2 Pages
- F - Proposed SB 791-1 Amendments -- Karen Quigley -- 2 Pages
- G - Proposed SB 1033-6 Amendments -- Karen Quigley -- 6 Pages