

SENATE COMMITTEE ON WATER POLICY

April 27, 1993      Hearing Room 137 3:00 p.m.      Tapes 40 - 41

MEMBERS PRESENT:            Sen. Bill Dwyer, Chair Sen. Bob Kintigh,  
Vice-Chair Sen. Wes Cooley

Sen. Frank Roberts Sen. Tricia Smith

MEMBERS EXCUSED:            None

STAFF PRESENT:            Lisa Zavala, Administrator Katy Yetter,  
Committee Assistant

MEASURES CONSIDERED:            SB                    651 HB                    2487

[--- Unable To Translate Graphic ---] 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. [--- Unable To Translate Graphic ---]

TAPE 40, SIDE A

004 CHAIR DWYER: Calls the meeting to order at 3:15 p.m. - Opens the public hearing on HB 2487.

PUBLIC HEARING ON HB 2487 - EXHIBITS A through C

WITNESSES:            Rep. Peter Courtney, District 33 Paul Donheffner, State Marine Board Rod Ingram, Department of Fish and Wildlife

018 REP. PETER COURTNEY: (introduces EXHIBIT A) Offers testimony in support of HB 2487 as the requestor of the bill. - Explains the need for the bill and what it would achieve. - Discusses needed funding. - References the programs in Tennessee and Minnesota.

077 SEN. KINTIGH: What would be the length of river to be adopted and what other specifics would govern areas of river adoption?

REP. COURTNEY: That would depend on accessibility to the riverbank, private property owners and the water level.

097 SEN. COOLEY: Have you reviewed implementation problems relative to the private property issues, and whether some responsibility should be

placed on the commercial users of the rivers?

125 REP. COURTNEY: References lines 19 and 20 of the bill which indicate sensitivity to private land owners. - Commercial river users are not entirely to blame for the pollution

problem.

143 PAUL DONHEFFNER: (introduces EXHIBIT B) Offers testimony in

support of HB 2487. - We intend to seek the support of guides and outfitters organizations.

155 SEN. SMITH: Would the state be liable for injuries, etc?

DONHEFFNER: Such questions would be addressed in rulemaking.

178 REP. COURTNEY: It is not possible for the state to be totally indemnified.

198 ROD INGRAM: (introduces EXHIBIT C) Offers testimony in support of HB 2487. - Reports his department's involvement with the Oregon beach clean up

program. - Expects this program would work similarly.

CHAIR DWYER: Closes the public hearing on HB 2487. - Opens the work session on HB 2487.

WORK SESSION ON HB 2487

220 MOTION: SEN. SMITH: Moves that HB 2487-A be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE.

226 CHAIR DWYER: The motion CARRIES. SEN. SMITH will lead discussion on the Floor.

CHAIR DWYER: Closes the work session on HB 2487. - Opens the public hearing on SB 651.

PUBLIC HEARING ON SB 651 - EXHIBIT D

WITNESSES: John Borden, Water Resources Department Sen. Rod Johnson, District 23 Kip Lombard, Oregon Water Resources Congress Anne Perrault, WaterWatch

CHAIR DWYER: Briefly compares the bill to HB 3390 (1991).

262 JOHN BORDEN: (introduces EXHIBIT D) Offers testimony on SB 651.

278 ADMIN. ZAVALA: Clarifies SB 651 makes the same changes as HB 3390 (1991). - Differing language is due to the impact of other legislative measures upon the affected statutes. - Explains the intended results of SB 651 are the same as those of HB

3390 (1991) which passed the House but not the Senate last session.

307 BORDEN: Suggests changes in statute need to be made, but will be difficult to effect. - Explains how SB 651 would help effect some of those changes. - Notes HB 2580 is identical to SB 651. 335 - Summarizes the department's initial concerns regarding the bills. - Recommends the department be allowed to conclude development of amendments to HB 2580 before action is taken on SB 651.

413 SEN. ROD JOHNSON: Testifies in support of SB 651. - Explains the intent of the bill and his reasons for sponsoring it.

TAPE 41, SIDE A

SEN. JOHNSON: Suggests some language changes to page 2, line 29.

020 CHAIR DWYER: Discusses why section 2 is in the bill.

046 KIP LOMBARD: Reports he has drafted proposed amendments to the House bill.

060 ANNE PERRAULT: Offers testimony in opposition to SB 651. - Notes WaterWatch's serious concerns with the bill. - States the bill will enable irrigators with existing water rights to

gain new water rights for new land without having to go through the permitting application process.

077 CHAIR DWYER: It doesn't give them the right to use any more water. - The bill will require measuring which is not required now.

084 PERRAULT: I disagree. - Gives example in the Umatilla irrigation district. - Explains the problems with the appurtenancy provision.

CHAIR DWYER: Explains the specifics of that situation that keep it from being applicable.

137 SEN. SMITH: Suggests Ms. Perrault be included in restructuring the bill.

147 SEN. ROBERTS: Expresses concern with the possible increase the bill may allow in the permissible use of water.

170 CHAIR DWYER: Closes the public hearing on HB 2487. - Adjourns the meeting at 4:00 p.m.

Submitted by,

Reviewed by,

Pamella Andersen

Lisa Zavala Clerk

Administrator

EXHIBIT LOG:

A Testimony on HB 2487 - Rep. Peter Courtney - 6 pages B  
Testimony on HB 2487 - Paul Donheffner - 2 pages C Testimony on HB  
2487 - Rod Ingram - 2 pages D Testimony on SB 651 - John Borden - 2  
pages