

**HOUSE COMMITTEE ON WATER**

February 18, 2005 Hearing Room 357

1:00 P.M. Tapes 30 - 31

Corrected 10/17/05

**MEMBERS PRESENT:** Rep. Bob Jenson, Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Alan Brown

Rep. Billy Dalto

Rep. Carolyn Tomei

**MEMBERS EXCUSED:** Rep. Phil Barnhart

Rep. Jerry Krummel, Vice-Chair

**STAFF PRESENT:** Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

**MEASURES HEARD:** HB 2123 – Work Session

HB 2178 – Public Hearing

HB 2066 – Work Session

HB 2084 – Work Session

HB 2267 – Work Session

HB 2186 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 30, A</b>		
003	Chair Jenson	Calls the meeting to order at 1:10 p.m. Opens work session on HB 2123. Announces that motion remains on the floor from meeting on Wednesday, February 18, 2005 to refer HB 2123 to Ways and Means.

**HB 2123 – WORK SESSION**

**VOTE: 4-0-3**

**EXCUSED: 3 - Barnhart, Dalto, Krummel**

<b>018</b>	<b>Chair Jenson</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
019	Chair Jenson	Closes work session. Announces that the work session on HB 2025 will be held over until Wednesday, February 23, 2005.
025	Chair Jenson	Opens a public hearing on HB 2178.

**HB 2178 – PUBLIC HEARING**

030	Sandy Thiele-Cirka	Committee Administrator. Summarizes HB 2178.
040	Patrick Allen	Office of Regulatory Streamlining. Testifies in support of HB 2178.
053	Adam Sussman	Senior Policy Advisor, Water Resources Department (WRD). Submits written testimony and testifies in support of HB 2178 ( <b>EXHIBIT A</b> ). Explains background of bill.
081	Sussman	Refers to page one ( <b>EXHIBIT A</b> ) to explain streamlining.
092	Rep. Tomei	Asks if WRD is communicating with Water Resources Congress and Water Watch to discuss amendments.
098	Sussman	Shares that he would be glad to consider amendments.

100	Chair Jenson	Asks about permits for storing water.
103	Sussman	Answers that a permit must be acquired to store water.
104	Chair Jenson	Questions whether potential uses for water are addressed in the bill.
107	Sussman	Describes permit requirements for changing water usage.
109	Chair Jenson	Inquires if a new permit is needed in order to change the usage on a permit under the existing statute.
114	Sussman	States that a new permit is required.
115	Chair Jenson	Questions whether the function of HB 2178 is to expedite the process.
120	Sussman	Replies that HB 2178 will streamline the process.
122	Rep. Dingfelder	Asks about exceptions regarding change in usage.
136	Sussman	Offers a clarifying illustration to explain change in usage.
150	Rep. Brown	Inquires why the existing statute is not amended, rather than writing a new statute.
157	Sussman	Responds that he is not qualified to answer that question.
183	Doug Myers	WaterWatch. Submits written testimony and testifies in opposition to HB 2178 ( <b>EXHIBIT B</b> ).
214	Myers	Expresses interest in working on HB 2178.
220	Rep. Tomei	Requests an example of a worst case scenario.
222	Myers	Offers an illustration.
231	Rep. Tomei	Offers her own illustration of a worst case scenario and asks if her assumptions are correct.

246	Myers	Responds affirmatively.
258	Katie Fast	Oregon Farm Bureau (OFB). Testifies to HB 2178 and notes areas of concern.
282	Kristina McNitt	Oregon Water Resources Congress. Submits written testimony for Anita Winkler, and testifies in support of HB 2178 with amendments <b>(EXHIBIT C)</b> .
312	Rep. Tomei	Uses an illustration to address her concerns about unforeseen events.
336	Sussman	Discusses doctrine of proper appropriation, and what HB 2178 really addresses.
382	Chair Jenson	Expresses interest in finalizing amendments.

**TAPE 31, A**

017	Chair Jenson	Closes public hearing on HB 2178. Asks for suspension of the rules to allow Rep. Dalto to vote on HB 2123. Re-opens a work session on HB 2123.
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**HB 2123 – WORK SESSION**

<b>021</b>	<b>Rep. Jenson</b>	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. DALTO to BE RECORDED as voting AYE on HB 2123.</b>
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**020** **VOTE: 5-0-2**

**EXCUSED: 2 - Barnhart, Krummel**

<b>022</b>	<b>Chair Jenson</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
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025	Chair Jenson	Closes the work session on HB 2123 and opens a work session on HB 2066.
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**HB 2066 – WORK SESSION**

033	Sandy Thiele-Cirka	Committee Administrator. Introduces HB 2066.
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057 Rep. Dingfelder **MOTION: Moves HB 2066 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

**VOTE: 5-0-2**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 2 - Barnhart, Krummel**

075 Chair Jenson **The motion CARRIES.**

079 Rep. Tomei **MOTION: Moves HB 2066 be placed on the CONSENT CALENDAR.**

084 Rep. Dalto States that some legislators may have concerns regarding a fee increase.

089 Rep. Tomei Recalls that anyone can have a bill removed from consent calendar.

092 Chair Jenson Confirms that it can be removed.

**VOTE: 5-0-2**

**EXCUSED: 2 - Barnhart, Krummel**

093 Chair Jenson **Hearing no objection, declares the motion CARRIED.**

098 Chair Jenson Closes work session on HB 2066. Opens work session on HB 2084. Discusses -1 amendment (**EXHIBIT F**).

### **HB 2084 – WORK SESSION**

117 Sandy Thiele-Cirka Committee Administrator. Acknowledges written testimony submitted without public testimony from David Cleary of the Oregon State Police regarding HB 2084 (**EXHIBIT D**).

121 Rep. Dingfelder Recalls discussion in public hearing about liability, and desires to know the outcome of that discussion.

- 126 Chair Jenson Discusses liability. Requests that staff provide copies of letter from the Attorney General's office that no liability is foreseen (**EXHIBIT E**).
- 149 Chair Jenson Discusses reciprocity with Washington state.
- 180 Rep. Tomei **MOTION: Moves to ADOPT HB 2084-1 amendments dated 2/15/05.**
- VOTE: 5-0-2**
- EXCUSED: 2 - Barnhart, Krummel**
- 184 Chair Jenson **Hearing no objection, declares the motion CARRIED.**
- 190 Rep. Tomei **MOTION: Moves HB 2084 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.**
- VOTE: 5-0-2**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 2 - Barnhart, Krummel**
- 198 Chair Jenson **The motion CARRIES.**
- 200 Chair Jenson Closes work session on HB 2084. Opens work session on HB 2267.

**HB 2267 – WORK SESSION**

- 204 Sandy Thiele-Cirka Committee Administrator. Explains HB 2267.
- 211 Rep. Tomei **MOTION: Moves HB 2267 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**
- VOTE: 5-0-2**
- EXCUSED: 2 - Barnhart, Krummel**
- 228 Chair Jenson **Hearing no objection, declares the motion CARRIED.**

230 Chair Jenson Closes work session on HB 2267. Opens a public hearing on HB 2186.

**HB 2186 – PUBLIC HEARING**

238 Sandy Thiele-Cirka Committee Administrator. Explains background of HB 2186.

245 Phil Ward Director, Oregon Water Resources Department (WRD). Testifies in support of HB 2186.

257 Adam Sussman Senior Policy Advisor, WRD. Submits written testimony on HB 2186 (**EXHIBIT G**) and a letter from Tom DeArmond (**EXHIBIT H**). Testifies in support of HB 2186. Provides background on HB 2186.

315 Chair Jenson Questions whether the bill does anything other than remove the sunset provision.

316 Sussman Replies that HB 2186 does nothing other than remove the sunset provision and allow the current program to continue.

318 Rep. Dingfelder Inquires about the amount of time the expedited process saves.

334 Sussman Shares an example to illustrate how the process has been expedited.

359 Chair Jenson Addresses concerns that HB 2186 gives preferential treatment.

375 Ward Discusses project queues.

388 Rep. Dingfelder Asks about WRD employees workload.

400 Ward Explains how full time employees work in the program.

416 Chair Jenson Inquires if there have been any negative responses.

419 Sussman Replies that there have been no negative responses.

**TAPE 30, B**

002	Allan Elliott	Yamhill County. Testifies in support of HB 2186. Shares his experience as a nursery owner using the expedited program.
042	Elliott	Describes the benefits of HB 2186 for patrons with time constraints.
074	Rep. Dingfelder	Asks how long the process took.
081	Elliott	Replies that it took 76 days from start to finish.
086	Jamie Olsen	Polk County. Testifies in support of HB 2186. Shares experience as a grass seed farmer using the current provision.
116	Rep. Dingfelder	Asks how Mr. Olsen found out about the expedited process.
121	Olsen	Admits that he does not recall how he became familiar with process.
126	Elliott	Reports that a Certified Water Rights Examiner informed him.
129	Olsen	Comments about the professional conduct of WRD.
140	Sussman	Describes advertising the expedited program.
153	Rep. Dingfelder	Comments about recertifying contractors.
156	Sussman	Explains how contractors applied and were chosen.
164	Rep. Tomei	Asks about expanding the program.
166	Sussman	Discusses expansion.
176	Rep. Tomei	Questions how the idea was proposed to the department.
178	Sussman	Responds that the Department of Environmental Quality has a similar program.
186	Rep. Tomei	Expresses her satisfaction that last session the Water Committee supported this process.



192	Chair Jenson	Comments on the changes that the Legislature can make for bettering the economy. Encourages the WRD to continue finding ways to streamline processes.
224	Chair Jenson	Closes public hearing on HB 2186. Postpones informational meeting until Monday, February 21, 2005.
240	Chair Jenson	Adjourns the meeting at 2:24 p.m.

### **EXHIBIT SUMMARY**

- A. **HB 2178, written testimony, Adam Sussman, 2 pp**
- B. **HB 2178, written testimony, Doug Myers, 1 p**
- C. **HB 2178, written testimony of Anita Winkler, Christina Winkler, 1 p**
- D. **HB 2084, written testimony, David Cleary, 1 p**
- E. **HB 2084, letter, staff, 2 pp**
- F. **HB 2084, -1 amendments, staff, 4 pp**
- G. **HB 2186, written testimony, Adam Sussman, 4 pp**
- H. **HB 2186, letter from Tom DeArmond, Adam Sussman, 1 p**