

HOUSE COMMITTEE ON WATER

February 23, 2005 Hearing Room 357

1:00 P.M. Tapes 34 - 35

MEMBERS PRESENT: Rep. Bob Jenson, Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Phil Barnhart

Rep. Alan Brown

Rep. Billy Dalto

Rep. Carolyn Tomei

MEMBER EXCUSED: Rep. Jerry Krummel, Vice-Chair

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

MEASURES HEARD: HB 2025 – Work Session

HB 2171 – 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.

TAPE/#	Speaker	Comments
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TAPE 34, A		
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002 Chair Jenson Calls the meeting to order at 1:08 p.m. Opens a work session on HB 2025.

HB 2025 – WORK SESSION

009 Chair Jenson Notes that Rep. Krummel is not present today, but invites Dawn Phillips to introduce the -5 amendments (**EXHIBIT A**).

014 Dawn Phillips Chief of Staff, Rep. Krummel, House District 26. Summarizes Rep. Krummel's amendments.

045 Rep. Brown **MOTION: Moves to ADOPT HB 2025-5 amendments dated 2/18/05.**

050 Rep. Brown Describes -5 amendments that allow some local control.

059 Chair Jenson Discusses local control and the times when state and/or federal legislation should overrule the desires of local governments.

102 **VOTE: 1-5-1**

AYE: 1 - Brown

NAY: 5 - Barnhart, Dalto, Dingfelder, Tomei, Jenson

EXCUSED: 1 - Krummel

106 Chair Jenson **The motion FAILS.**

112 Rep. Tomei **MOTION: Moves to ADOPT HB 2025-2 amendments dated 2/14/05 (EXHIBIT B).**

119 Sandy Thiele-Cirka Committee Administrator. Explains the -2 amendments.

129 Rep. Barnhart **MOTION: Moves to ADOPT HB 2025-7 amendments dated 2/22/05 (EXHIBIT C).**

133 Rep. Barnhart Explains the extra step to clean up the language that the -7 amendments take over the -2 amendments.

160 Chair Jenson

Asks Rep. Barnhart a question using an illustration from the civil rights movement.

- 168 Rep. Barnhart Responds.
- 169 Chair Jenson Discusses the importance of requiring this health issue.
- 184 Rep. Dalto Explains why he will vote no on the -7 amendments.
- 201 Rep. Barnhart Offers clarification on the -7 amendments.
- 213 Rep. Dalto Appreciates clarification, and expresses his understanding of the -7 amendments.
- 222**
- VOTE: 2-4-1**
- AYE: 2 - Barnhart, Dingfelder**
- NAY: 4 - Brown, Dalto, Tomei, Jenson**
- EXCUSED: 1 - Krummel**
- 226 Chair Jenson The motion to ADOPT HB 2025-7 amendments FAILS.**
- 227 Chair Jenson Returns to consideration on the -2 amendments.
- 230 Rep. Barnhart Discusses the funding for fluoridation. Expresses belief that the state government should pay for fluoridation if they mandate it.
- 256 Chair Jenson States that money from the general fund is not available.
- 276**
- VOTE: 5-1-1**
- AYE: 5 - Brown, Dalto, Dingfelder, Tomei, Jenson**
- NAY: 1 - Barnhart**
- EXCUSED: 1 - Krummel**
- 280 Chair Jenson The motion to ADOPT HB 2025-2 amendments CARRIES.**

293 Rep. Dalto **MOTION: Moves HB 2025 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

302 Rep. Barnhart Discusses the many views on fluoridation and public health.

323 Rep. Dalto Thanks the chair for efforts on HB 2025. Explains the reasons he supports an issue, particularly the issue of fluoridation.

TAPE 35, A

002 Rep. Dalto Continues discussion of the benefits of fluoridation.

018 Rep. Brown Agrees that HB 2025 is a good public health policy.

027 Rep. Dingfelder Explains why she will be voting in favor of HB 2025, and comments that the Oregon Health Plan should be funded to help provide access to dental care for low income Oregonians.

050 Chair Jenson Expresses appreciation to the committee for hard work and openness.

085 VOTE: 6-0-1

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

EXCUSED: 1 - Krummel

090 Chair Jenson The motion CARRIES.

REP. DALTO will lead discussion on the floor.

The following materials are submitted for the record without public testimony:

Staff Written Testimony of John D. MacArthur **(EXHIBIT D)**

Staff Written testimony of Oregon Citizens for Safe Drinking Water **(EXHIBIT E)**

092 Chair Jenson Closes work session on HB 2025. Opens a public hearing on HB 2171.

HB 2171 – PUBLIC HEARING

- 096 Sandy Thiele-Cirka Committee Administrator. Summarizes HB 2171.
- 108 Chair Jenson Explains that the Oregon Drinking Water Task Force was created during the interim and now brings their recommendations.
- 148 Gail Shibley Administrator, Health Services, Office of Public Health Systems, Oregon Department of Human Services (DHS). Submits written testimony (**EXHIBIT F**) and testifies in support of HB 2171.
- 187 Shibley Continues discussion of the issues that HB 2171 addresses.
- 234 Shibley Describes the recommendations of the task force regarding a new fee.
- 285 Roger Jordan City Manager, Dallas, League of Oregon Cities Water Committee. Submits written testimony and testifies in support of HB 2171 (**EXHIBIT G**).
- 349 Jordan Continues to explain why the fee should be instated.

TAPE 34, B

- 002 Rep. Dingfelder Asks what the threshold is for testing requirement, and is a private home park considered a community system.
- 012 Shibley Describes the Environment Protection Agency (EPA) regulations.
- 040 Rep. Dingfelder Refers to chart (**EXHIBIT F, page five**) regarding staffing.
- 050 Shibley Explains staffing.
- 057 Chair Jenson Asks about the cost of surveys and how they are currently funded.
- 065 Shibley Describes how surveys are currently funded.
- 073 Chair Jenson Clarifies whether money generated could go to the General Fund.

081	Jordan	Confirms that funding from this fee can go to General Fund.
086	Shibley	Explains that DHS staff has been working on this program.
097	Jordan	Describes cost-effectiveness of new fee.
101	Chair Jenson	Asks about transient/non-community water systems, and discusses the funds that will be spent.
120	Jordan	Discusses assistance to small water systems.
143	Chair Jenson	Asks if sanitary services are mandated by the EPA, and if the schedule for services is mandated.
150	Chair Jenson	Relates that the survey is required, and the schedule is set depending on the source of the water.
152	Rep. Dingfelder	Points to personal audit report and asks about concerns needing to be addressed.
165	Jordan	Reviews issues discussed by the task force.
210	Dan Bradley	General Manager, Oak Lodge Water District. Submits written testimony and testifies in support of HB 2171 (EXHIBIT H).
239	M. Socorro Rodriguez	Director, Oregon Operations Office, U.S. Environmental Protection Agency. Submits written testimony (EXHIBIT I) and testifies in support of HB 2171. Explains why more resources are needed in order for Oregon to comply with federal inspection requirements.
337	Rep. Dingfelder	Inquires if the majority of states hold primacy in the United States.
342	Rodriguez	Believes that the majority do. States that Wyoming is the one state that does not have primacy.
353	Chair Jenson	Asks what happens if Oregon continues to remain out of compliance.
358	Rodriguez	States that the EPA will assume the management of the state's safe drinking water program.

370 Chair Jenson Asks if EPA has the funding to assume the program.

372 Rodriguez Admits that she is not qualified to answer, but knows that EPA would be required to assume responsibilities of the program.

380 Chair Jenson Comments on partially funded mandates.

TAPE 35, B

008 Chair Jenson Expresses curiosity regarding Oregon's lack of compliance.

012 Rodriguez States that 30% of systems that should have been inspected were not. Stresses that inspections are imperative to maintain safe drinking water.

027 John Brenneman Manufactured Housing Communities of Oregon (MHCO). Testifies in opposition to HB 2171. Suggests looking at the connections instead of the population of a water system to determine cost of inspection.

055 John "Jack" Sikking MHCO. Testifies in opposition to HB 2171.

108 Sikking Reports that the last water-borne pathogen was recorded in 1979. Asserts that Oregon has a good record for safe drinking water.

127 Sikking Remarks that the fee is only being instated in order to pay more people, not to improve water safety for Oregonians.

154 Rep. Barnhart Asks Mr. Sikking how much money he spends on inspection fees.

162 Sikking Describes the state mandated tests, and other tests he has performed.

172 Rep. Barnhart Asks for clarification as to whether the fees are currently being spent on the testing of the water.

186 Sikking Explains that the tests he currently performs are sufficient, and while inspections are sometimes helpful, they are not necessary.

190 Rep. Dingfelder Asks Mr. Brenneman about membership in MHCO, and inquires as to the typical size of mobile home park water systems.

199	Brenneman	Offers statistics that there are approximately 1,200 parks statewide, 500 parks in MHCO, less than 300 connections in each system. States that there are typically 50 systems in a mobile home park.
222	Rep. Dingfelder	Refers to personal documents from DHS that indicate most problems with water systems occur in the under 3,300 water systems category.
229	Brenneman	Concedes that is true.
231	Chair Jenson	States that most systems are in the 3,300 range, so the most problems are also going to occur there.
236	Brenneman	Relates that does not know of any problems in any parks.
245	Rep. Dingfelder	Asks if Mr. Brenneman is concerned about losing state primacy.
249	Brenneman	Relays an experience while he was a Senator. Suggests that the committee checks with Wyoming about how the federal government runs their system.
271	Rep. Dalto	Asks if Mr. Sikking had a sense of how much the fee might be to residents.
277	Sikking	Reports less than a dollar per month per space.
280	Rep. Dingfelder	Relays what she hears from her constituents about increase in water and sewer bills in the Portland area.
300	Sikking	Mentions that a mobile home park's cost per space is higher than an area Portland's size.
307	Brenneman	Discusses the provision of affordable housing, and that the industry is getting more expensive and expansion may be difficult.
325	Rep. Tomei	Relates that her district serves mobile home parks. Expresses her appreciation that Mr. Sikking lives in his own mobile home park.
342	Chair Jenson	Closes the public hearing on HB 2171. Announces that the Department of Environmental Quality will come back Wednesday, March 2, 2005 for the informational hearing. Announces that there is

no meeting scheduled for Friday, February 25, 2005 or Monday, February 28, 2005.

362 Chair Jenson Adjourns the meeting at 2:53 p.m.

EXHIBIT SUMMARY

- A. **HB 2025, -5 amendments, staff, 1 p**
- B. **HB 2025, -2 amendments, staff, 1 p**
- C. **HB 2025, -7 amendments, staff, 1 p**
- D. **HB 2025, written testimony of John D. MacArthur, staff, 3 pp**
- E. **HB 2025, written testimony of Oregon Citizens for Safe Drinking Water, staff, 6 pp**
- F. **HB 2171, written testimony, Gail Shibley, 6 pp**
- G. **HB 2171, written testimony, Roger Jordan, 2 pp**
- H. **HB 2171, written testimony, Dan Bradley, 1 p**
- I. **HB 2171, written testimony, M. Socorro Rodriguez, 3 pp**