

HOUSE COMMITTEE ON WATER

March 14, 2005 Hearing Room 357

1:00 P.M. Tapes 46 - 47

MEMBERS PRESENT: Rep. Bob Jenson, Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Jerry Krummel, Vice-Chair

Rep. Phil Barnhart

Rep. Alan Brown

Rep. Billy Dalto

Rep. Carolyn Tomei

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2473 – Public Hearing

HJM 10 – Public Hearing

HB 2522 – Public Hearing

HJM 7 – Public Hearing

HB 2472 – Work Session

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

TAPE 46, A

002 Chair Jenson Calls the meeting to order at 1:03 p.m. Opens as a subcommittee. Opens a public hearing on HB 2473.

HB 2473 – PUBLIC HEARING

013 Sandy Thiele-Cirka Administrator. Provides background on HB 2473.

037 Adam Sussman Legislative Coordinator. Water Resources Department (WRD). Submits written testimony (**EXHIBIT A**) and testifies in opposition to HB 2473.

043 Chair Jenson Opens as the full committee.

089 Rep. Krummel Seeks clarification that Section 1 of HB 2473 removes the need for a permit and notes that Section 1(3) would assure that they could not overcome a senior user. Questions reason for bill request.

090 Sussman Confirms that HB 2473 would remove the need for a permit, and explains the proponents' reasons for requesting HB 2473.

130 Doug Myers WaterWatch. Submits written testimony (**EXHIBIT B**) and testifies in opposition to HB 2473.

138 Chair Jenson Closes public hearing on HB 2473. Opens public hearing on HJM 10.

HJM 10 – PUBLIC HEARING

145 Rep. Arnie Roblan House District 9. Testifies in support of HJM 10. Mentions materials submitted without public testimony by Onno Husing from Oregon Coastal Zone Management Association (OCZMA) (**EXHIBIT C**).

182 Chair Jenson Questions whether HJM 10 has unanimous consent by the Coastal Caucus. Recalls a ten percent chance of tsunami in the next 25 years. Inquires about current warning systems.

- 188 Rep. Roblan Confirms that each Coastal Caucus member has consented. Discusses the coming chance of a tsunami, and tsunami summits.
- 226 Rep. Brown Adds information about 1964 tsunami that hit the Oregon Coast, and potential damage of predicted tsunamis.
- 275 Vicki McConnell State Geologist, Oregon Department of Geology and Mineral Industries (DOGAMI). Submits written testimony (**EXHIBIT D**) and testifies in support of HJM 10.
- 313 Rep. Brown Informs committee about seminars by Ms. McConnell and her staff.
- 327 Chair Jenson Invites DOGAMI back for an informational hearing.
- 346 McConnell Announces workshop coming to the Capitol.
- 370 Sandy Thiele-Cirka Administrator. Announces staff summary (**EXHIBIT E**) of HJM 10.

TAPE 47, A

- 008 Chair Jenson Closes public hearing on HJM 10. Opens public hearing on HB 2522.

HB 2522 – PUBLIC HEARING

- 015 Rep. John Dallum House District 59. Testifies in support of HB 2522.
- 024 Brian Stahl Director of Public Works, City of The Dalles. Testifies in support of HB 2522.
- 053 Gene Parker City of The Dalles. Testifies in support of HB 2522.
- 079 Rep. Barnhart Questions whether there are greater penalties for trespassing and adulterating the watershed.
- 085 Parker Describes penalties for trespassing and damaging property. Admits he is not aware of a statute that deals with damaging a watershed.
- 097 Rep. Barnhart Recalls an incident when an individual damaged a watershed and compromised the safety of the public's drinking water.

106	Rep. Dallum	Reiterates that HB 2522 addresses people wandering through the watershed, not those who intend to harm the public by adulterating it.
119	Parker	Suggests that adulterating the watershed may be included in intent to cause serious injury or bodily harm, which is a felony assault charge.
128	Rep. Barnhart	Questions whether No Trespassing signs would be posted, even though the statute does not require signage. Notes the last two lines of the bill regarding posting.
134	Stahl	States that this watershed is labeled more heavily than other watersheds.
146	Rep. Tomei	Asks about sightings for 18 violations mentioned earlier.
149	Parker	Lists charges for 18 the violations.
160	Chair Jenson	Questions whether it would be appropriate to refer HB 2522 to Judiciary. Explains anticipated action on the bill. Closes public hearing on HB 2522. Opens public hearing on HJM 7.

HJM 7 – PUBLIC HEARING

191	Chair Jenson	Announces that HJM 7 will be held over. Closes public hearing on HJM 7. Opens work session on HB 2472.
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HB 2472 – WORK SESSION

200	Sandy Thiele-Cirka	Administrator. Explains information about HB 2472.
218	Chair Jenson	Clarifies that the Water Resources Department introduced HB 2472.
222	Dave Leland	Manager, Drinking Water Program, Department of Human Services (DHS). Submits written testimony about receipts authority (EXHIBIT F) and testifies in support of HB 2472.
266	Chair Jenson	Asks about indirect applicability to HB 2472.
267	Leland	

Suggests that the fee bill from the Drinking Water Taskforce is a more applicable way to address paying for water inspections.

- 281 Rep. Tomei Asks if members can discuss HB 2472 among themselves.
- 293 Rep. Dingfelder Addresses the issue of lowering standards for safe drinking water due to lack of resources. Suggests doing so would send the wrong message to the public about their health and safety. States that resources should be found to avoid lowering standards.
- 328 Rep. Tomei Questions whether there is another way to help the proponents of HB 2472 rather than relaxing current restrictions.
- 337 Rep. Brown Inquires if any testimony addressed the safety of federal statutes.
- 351 Leland Explains that while the state statute requires testing to a lower threshold than the federal, the basic standards under the federal Safe Drinking Water Act are upheld.
- 373 Rep. Dingfelder Questions whether cost effectiveness determined the federal threshold of 15 water systems.
- 391 Leland Explains that the state was covered by the federal Act for seven years before it chose primacy, then the state chose to lower the threshold for four water systems.
- 416 Rep. Barnhart Seeks clarification on Subsection 2 regarding number of water systems, number of people served, and the director's authority to regulate.

TAPE 46, B

- 006 Leland Explains Subsection 2, which dates back to the 1981 act.
- 034 Rep. Tomei Clarifies that Marion County could not afford the staff to test the private water supply. Suggests hiring a professional rather than changing state law.
- 053 Leland Describes the proponents' reasons for seeking assistance from the County Health Department.

067	Adam Sussman	Water Resources Department (WRD). Describes process of transferring water rights, and notifying owners of their responsibility.
076	Rep. Tomei	Asks WRD if they are concerned about changing state law for this one issue.
083	Sussman	Defers to DHS.
089	Leland	Reiterates that private tests can be performed to establish the safety of the drinking water.
099	Chair Jenson	Suggests that the public health umbrella may offer more security than a private test.
114	Rep. Tomei	Expresses discomfort with changing a law that may not need to be changed.
118	Rep. Krummel	Questions other states' statutes for water safety. Inquires if Washington's law addresses different types of water systems.
124	Leland	Replies that Washington's threshold is two connections, and relates that they have many different types of water systems similar to ours. Adds that Idaho and Alaska follow the federal threshold of 15 connections.
150	Chair Jenson	Announces that the bill will be held over. Closes work session on HB 2472. Announces that the subsequent referral to Ways and Means has been rescinded from HB 2025, and it has been moved to the floor. States that HB 2066 was pulled from the consent calendar and will be referred to the Joint Committee on Ways and Means.
210	Rep. Barnhart	Seeks clarification that HB 2025 is not being referred to Ways and Means.
211	Chair Jenson	Clarifies that HB 2025 is not being sent to Ways and Means, but is going to the floor. Adjourns the meeting at 2:15 p.m.

EXHIBIT SUMMARY

- A. **HB 2473, written testimony, Adam Sussman, 2 pp**
- B. **HB 2473, written testimony, Doug Myers, 1 p**
- C. **HJM 10, written testimony, Rep. Roblan, 3 pp**
- D. **HJM 10, written testimony, Vicki S. McConnell, 2 pp**
- E. **HJM 10, staff summary, staff, 1 p**
- F. **HB 2472, written testimony, Dave Leland, 1 p**