

HOUSE COMMITTEE ON WATER

April 25, 2005 Hearing Room 357

1:00 P.M. Tapes 73 - 74

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 2265 – Work Session

HB 2130 – Work Session

HB 2875 – Work Session

SB 179 – Public Hearing

SB 410 – 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 73, A

003	Chair Jenson	Calls the meeting to order at 1:05 p.m. Opens as a subcommittee. Opens a work session on HB 2265.
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HB 2265 – WORK SESSION

020	John Lilly	Assistant Director, Department of State Lands (DSL). Describes the -2 amendments (EXHIBIT A). Suggests changes to amendments.
052	Chair Jenson	Questions whether language was deleted originally from HB 2130.
058	Brenden McCarthy	Senior Counsel, Legislative Counsel Office. Clarifies issues related to amending HB 2265 with HB 2130 and language from SB 170.
070	Lilly	Continues testimony on what DSL would like to be restored to the bill. Suggests some portions to be removed.
094	Chair Jenson	Reiterates how the amendments will change the bill.
099	McCarthy	Recommends that Section 19 remain in the bill.
116	Chair Jenson	Closes the work session on HB 2265. Announces HB 2265 will be held over to April 27, 2005. Opens a work session on HB 2130.

HB 2130 – WORK SESSION

126	Sandy Thiele-Cirka	Administrator. Describes the -3 amendment to HB 2130.
148	Chair Jenson	Clarifies what is being removed, and what is being added.
187	Rep. Gordon Anderson	House District 3. Testifies in support of HB 2130 with the -3 amendments.
215	Jim McCauley	Department of Environmental Quality (DEQ). Testifies in support of HB 2130 with the -3 amendments.

230	Rep. Tomei	Questions if there is anything taken from the Common School Fund (CSF) to fund this process.
246	McCauley	Responds that he is not aware if DEQ receives CSF dollars, but does not believe they do.
254	Rep. Krummel	MOTION: Moves to ADOPT HB 2130-3 amendments dated 4/18/05.
		VOTE: 4-0-0
259	Chair Jenson	Hearing no objection, declares the motion CARRIED.
261	Rep. Krummel	MOTION: Moves HB 2130 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
273	Rep. Barnhart	Comments that he would prefer that fees be put in rules, not in statute. Addresses issue of it being easier to put fees in statute.
291	Rep. Tomei	Shares her concerns about rules, and the Common School Fund.
		VOTE: 7-0-0
		AYE: In a roll call vote, all members present vote Aye.
317	Chair Jenson	The motion CARRIES.
321	Chair Jenson	Closes work session on HB 2130. Opens work session on HB 2875.

HB 2875 – WORK SESSION

326	Sandy Thiele-Cirka	Administrator. Reviews testimony on HB 2875.
348	Chair Jenson	Questions whether there is an amendment to define emergency.
350	Rep. Dingfelder	Addresses WaterWatch's concern about the Water Resources Department (WRD) being required to consult the Oregon Department of Fish and Wildlife (ODFW).

362 Adam Sussman Legislative Coordinator, WRD. Addresses definition of emergency. Recalls that HB 2875 requires fish screening, but not fish passage.

TAPE 74, A

003 Chair Jenson Questions whether administrative rules would define an emergency and require that ODFW be consulted upon passage of HB 2875.

006 Sussman Responds affirmatively.

008 Roy Elicker Deputy Director, ODFW. States that ODFW works closely with WRD in emergency situations.

020 Rep. Dingfelder Expresses preference that HB 2875 require WRD to consult with ODFW to ensure adequate fish passage and screening.

026 Elicker Expresses willingness to facilitate the issue in statute.

030 Sussman Explains the process for emergency situations.

036 Anita Winkler Oregon Water Resources Congress (OWRC). Addresses water transfer rules that currently require consultation with ODFW.

047 Chair Jenson Questions whether OWRC is comfortable with the bill under these circumstances.

050 Winkler Responds affirmatively.

053 Rep. Krummel MOTION: Moves HB 2875 to the floor with a DO PASS recommendation.

VOTE: 7-0-0

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

062 Chair Jenson The motion CARRIES.

063 Rep. Tomei MOTION: Moves HB 2875 be placed on the CONSENT CALENDAR.

VOTE: 7-0-0

065	Chair Jenson	Hearing no objection, declares the motion CARRIED .
066	Chair Jenson	Closes work session on HB 2875. Opens a public hearing on SB 179.

SB 179 – PUBLIC HEARING

070	Sandy Thiele-Cirka	Administrator. Provides background on SB 179.
080	Adam Sussman	Legislative Coordinator, Water Resources Department (WRD). Requests that the subsequent referral to Ways and Means be rescinded. Submits written testimony (EXHIBIT B) and testifies in support of SB 179. Provides information on the bill.
122	Rep. Barnhart	Questions how WRD determines the savings. Inquires if fees allow WRD to process applications.
126	Sussman	Describes how WRD determines savings and provides services. Explains how fee monies are allocated.
156	Rep. Dingfelder	Questions figures on how HB 2268 (2003) affected WRD financially. Addresses concerns about budget cuts and funding staff.
162	Sussman	Explains the advantages of receiving digital applications for water transfers in the last biennium.
200	Rep. Barnhart	Expresses support for digital streamlining. Questions if the electronic format is complicated. Wonders why the fee is being reduced.
215	Sussman	Describes the applications available through WRD. Responds that it has been difficult to get digital applications from customers without an incentive.
258	Rep. Barnhart	Inquires what is small when it comes to the fee change.
261	Sussman	Describes process for small applications.
282	Anita Winkler	Oregon Water Resources Congress (OWRC). Explains why SB 179 is being presented to the committee.

299	Rep. Barnhart	Questions whether the paper format is converted to electronic format.
314	Winkler	Responds that districts are moving away from maintaining maps and information in paper format.
334	Vice-Chair Krummel	Reiterates the increased ease in application processing and financial savings.
357	Sussman	Clarifies that the authority being requested in SB 179 would allow streamlining when the opportunity arises.
371	Rep. Barnhart	Suggests that the savings for this streamlining might be used elsewhere.
403	Patrick Allen	Office of Regulatory Streamlining. Addresses issue of reducing fees.
420	Vice-Chair. Krummel	Closes public hearing on SB 179. Opens public hearing on SB 410.

SB 410 – PUBLIC HEARING

427	Sandy Thiele-Cirka	Administrator. Provides background on SB 410.
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TAPE 73, B

005	Roy Elicker	Oregon Department of Fish and Wildlife (ODFW). Submits written testimony and the report of SB 748 (2003) (EXHIBIT C). Testifies in support of SB 410. Provides background on the pilot program.
065	Vice-Chair Krummel	Believes that the cost for each site is less than estimated because some materials can be reused.
073	Rhine Messner	Recreational Fisheries Manager, ODFW. Explains how the project was developed. Testifies on the report (EXHIBIT C). Relates success of the program.
115	Rep. Dingfelder	Questions how the program works together with SOLV and watershed councils.

124	Messner	Responds that with expansion all organizations and volunteers who are interested may be involved, while resources were limited before.
140	Rep. Dingfelder	Expresses support for the program.
152	Rep. Tomei	Inquires how monofilament line is recycled.
155	Messner	Explains how the Berkeley Corporation recycles fishing line into fish habitat structures.
165	Vice-Chair Krummel	Questions whether this program can be expanded to the coast.
177	Elicker	Responds that the coast is a separate issue.
183	Vice-Chair Krummel	Closes the public hearing on SB 410.
188	Thiele-Cirka	Announces the field trip to the Big Pipe on Friday, April 29, 2005.
209	Rep. Dingfelder	Adds information on the Big Pipe.
224	Vice-Chair Krummel	Adjourns the meeting at 2:15 p.m.

EXHIBIT SUMMARY

- A. **HB 2265, -2 amendments, staff, 45 pp**
- B. **SB 179, written testimony, Adam Sussman, 1 p**
- C. **SB 410, written testimony and report, Roy Elicker, 25 pp**