

HOUSE COMMITTEE ON WATER

May 23, 2005 Hearing Room 357

1:00 P.M. Tapes 92 - 93

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

MEMBER EXCUSED: Rep. Carolyn Tomei

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

SB 940 A – Work Session

SB 848 A – Work Session

SB 579 A – Public Hearing

**Removal/Fill Permit Process Improvement: Report and
Recommendation**

– Informational Meeting

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 92, A

002	Chair Jenson	Calls the meeting to order at 1:17 p.m. Opens a work session on SB 940 A.
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SB 940 A – WORK SESSION

008	Sandy Thiele-Cirka	Administrator. Reviews testimony and provides background on SB 940 A.
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022	B. Harrison Conley	Deputy Legislative Counsel. Provides information on sheriff's sale provisions.
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073	Rep. Krummel	Inquires about water control districts. Questions status of underlying water right when a property is foreclosed.
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075	Conley	States that he will need to do some more research to answer.
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097	Rep. Barnhart	States that his questions regarding the framework of foreclosure have been answered. Comments on the 90-day redemption period.
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105	Chair Jenson	Questions if there was a specific reason that 90 days was chosen.
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108	Conley	States that he did not choose the date on his own, it was requested.
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113	Anita Winkler	Oregon Water Resources Congress (OWRC). Confirms that OWRC suggested the 90-day redemption period and explains.
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122	Chair Jenson	Questions whether the redemption period could be extended.
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128	Winkler	Responds affirmatively.
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130	Conley	Addresses the adequacy of language.
151	Rep. Brown	Expresses concern that person would have to pay full value of property to reclaim it, while lean foreclosure may have been for lesser amount.
158	Conley	States that the sheriff's auction is effectively the sheriff's costs.
166	Rep. Brown	Comments on other types of sheriff's sales.
171	Conley	States that Chapter 18 is silent on minimum price, and believes it is sheriff's costs.
175	Rep. Brown	States that buyer may get a very low price.
178	Rep. Barnhart	Comments on existing law regarding manner of holding foreclosure sales. Inquires if bill could refer to an existing statute for definitions.
195	Conley	Responds affirmatively. Explains the process the district uses to reclaim its costs.
215	Rep. Barnhart	Inquires if minimum price of sale includes leans. Comments on consistency for setting price for sale.
223	Conley	Explains redemption price and purchase price. States that no minimum price is set. Confirms that referring to existing statute would add consistency.
250	Chair Jenson	States that an amendment should be discussed to address the issue.
278	Rep. Krummel	Restates question about status of water right if attached land is foreclosed.
286	Brendan McCarthy	Deputy Legislative Counsel. States that water rights are typically pertinent to the land, so land would stay with foreclosed property.
298	Rep. Krummel	Offers an illustration for clarification. Inquires if SB 940 A would give district the ability to gain access to a water right that they would not have access to otherwise.

309	McCarthy	Comments on the purposes of the water right. Explains that water district would continue to have water rights to maintain delivery systems, but that the water right itself remains pertinent to the land, and would have to be used for the same purposes.
357	Chair Jenson	Comments on discussion of who owns a water right in 2003 session. Closes work session on SB 940 A. Stands at ease. Reconvenes.

TAPE 93, A

005	Chair Jenson	Opens a work session on SB 848 A.
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SB 848 A – WORK SESSION

012	Rep. Krummel	Provides information on SB 848-A2 amendments (EXHIBIT A).
024	Rep. Krummel	MOTION: Moves to ADOPT SB 848A-A2 amendments dated 5/9/05.
028	Rep. Barnhart	Inquires about the purpose of proposed facilities.
035	Rep. Krummel	Relates purpose. Defers to Mr. Kubiak.
039	Gerald Kubiak	Washington County Service District. Describes the purposes of county service districts and what SB 848-A2 will accomplish.
058	Rep. Barnhart	Inquires about statute regarding reference to Washington County, as Subsection 5 applies only to Washington County.
083	Rep. Krummel	States that bill was originally drafted to serve Washington County, but Clackamas County has a similar issue. Explains the –A2 amendments.
105	Chair Jenson	States intent to hold bill until Wednesday.
107	Rep. Krummel	MOTION: Moves to WITHDRAW MOTION to ADOPT SB 848A-A2 amendments dated 5/9/05.

VOTE: 6-0-1

EXCUSED: 1 - Tomei

109	Chair Jenson	Hearing no objection, declares the motion CARRIED .
110	Chair Jenson	Closes work session on SB 848 A. Opens public hearing on SB 579 A.

SB 579 A – PUBLIC HEARING

114	Sandy Thiele-Cirka	Administrator. Provides background on SB 579 A.
130	Julia Clark	Citizen. Testifies in support of SB 579 A.
165	Mari Anne Gest	Representing the Clark Family. Submits written testimony (EXHIBIT B) and testifies in support of SB 579 A.
187	Rep. Krummel	Expresses surprise that this issue has not been addressed before today.
197	Chair Jenson	Comments that common sense often needs to be legislated, and it is difficult to do so.
215	Phil Donovan	Submits written testimony (EXHIBIT C) and testifies in support of SB 579 A. States that SB 579 A reflects common practices.
250	Rep. Brown	Inquires about Class three rapids.
253	Donovan	Describes Class three rapids.
280	Bill Rydbloom	Oregon State Marine Board. Submits written testimony (EXHIBIT D) and testifies in support of SB 579 A.
322	Rep. Krummel	Inquires if the rafting guide was acting with negligence.
331	Rydbloom	States that SB 579 A would provide for a definition of negligence.
338	Chair Jenson	Questions the requirement for conducting guide business activities currently, and how would they be affected by SB 579 A.
342	Rydbloom	Explains how SB 579 A would change current regulations.

378	Chair Jenson	Inquires about current requirement for raft guides in neighbor states.
382	Rydbloom	States that he is not specifically aware of differences in neighboring states. Submits scale of river difficulty (EXHIBIT E) .
409	Rep. Phil Barnhart	House District 11. Testifies in support of SB 579 A.

TAPE 92, B

004	Rep. Barnhart	States that guides are relied upon to offer trustworthy leadership and a safe environment for river rafting. Emphasizes the importance of appropriate training.
041	Chair Jenson	Expresses concern that there have not been more regulations present for such a hazardous activity. Closes public hearing on SB 579 A. Opens an informational meeting on the Removal-Fill permit process.

REMOVAL/FILL PERMIT PROCESS IMPROVEMENT – INFORMATIONAL HEARING

085	Patrick Allen	Office of Regulatory Streamlining. Submits informational packet (EXHIBIT F) and provides information on regulatory streamlining.
137	Christine Svetkovich	Department of Environmental Quality (DEQ). Describes projects for DEQ that require permits and streamlining.
161	Rep. Dingfelder	Inquires why the general public was not invited to the team meetings.
170	Allen	Explains why the general public was not involved in meetings.
186	Svetkovich	Continues explanation of the Water Permit Process.
228	John Lilly	Assistant Director, Department of State Lands (DSL). Provides information on work the agencies are doing to streamline regulatory programs.
320	Lilly	Describes modifications made to the existing permit process system.

TAPE 93, B

003	Lilly	Continues description of permit processes.
058	Lilly	Describes the consolidated permit system.
073	Allen	Closes presentation and comments on separate state and federal systems.
092	Rep. Dingfelder	Questions whether other states' systems were consulted.
104	Allen	States that discussions have centered around what customers need. Relates that discussing existing organizations has not been fruitful.
116	Rep. Dingfelder	States that Washington and California's organization may be helpful.
120	Lilly	Relates processes for Washington and California agencies.
145	Allen	Comments on approaches by other states that also have difficulties.
153	Rep. Barnhart	Comments on approach and goal for outcomes.
165	Chair Jenson	States that reorganization is not beneficial without definite goals. Closes informational hearing. Adjourns the meeting at 2:52 p.m.

EXHIBIT SUMMARY

- A. **SB 848 A, -A2 amendments, Rep. Krummel, 1 p**
- B. **SB 579 A, written testimony, Mari Anne Gest, 1 p**
- C. **SB 579 A, written testimony, Phil Donovan, 1 p**
- D. **SB 579 A, written testimony, Bill Rydbloom, 1 p**
- E. **SB 579 A, scale of river difficulty, Bill Rydbloom, 1 p**
- F. **Water-Related Permit Process, informational packet, Patrick Allen, 39 pp**