

## HOUSE COMMITTEE ON WATER

February 18, 2003 Hearing Room B  
8:30 AM Tapes 20 - 22

**MEMBERS PRESENT:**        **Rep. Bob Jenson, Chair**  
                                  **Rep. Jackie Dingfelder, Vice-Chair**  
                                  **Rep. Jeff Kropf, Vice-Chair**  
                                  **Rep. Linda Flores**  
                                  **Rep. Jeff Kruse**  
                                  **Rep. Mike Schaufler**  
                                  **Rep. Carolyn Tomei**

**STAFF PRESENT:**        **Pete Test, Committee Administrator**  
                                  **Ryan Sherlock, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **HB 2259 – Public Hearing and Work Session**  
  **HB 2255 – Public Hearing**  
  **HB 2253 – Public Hearing**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 20, A</b>		
	Chair Jenson	Calls meeting to order at 8: 36 a.m. and opens public hearing on HB 2259.
<b>HB 2259 – PUBLIC HEARING</b>		
005	Pete Test	Offers a description of the bill.
010	Chair Jenson	Clarifies the objective and function of the committee regarding HB 2259.
030	Ed Bowles	Oregon Department of Fish and Wildlife, Fish Division Administrator. Offers written testimony ( <b>EXHIBIT A</b> ) and presentation ( <b>EXHIBIT B</b> ) regarding HB 2259: <ul style="list-style-type: none"><li>• HB 2259 Overview: Restoration and Enhancement (R&amp;E)</li><li>• R&amp;E Overview</li></ul>
065	Chair Jenson	Asks for clarification of the source for matching funds.
070	Bowles	Responds that there are several sources of the matching funds, and points out that there is no restriction in statute as to where these funds come from.
075	Chair Jenson	Asks for a specific percentage.
080	Bowles	Refers to Mr. Stahl
085	Tom Stahl	Oregon Department of Fish and Wildlife, Restoration and Enhancement Program Coordinator. Guesses that the total funding from Oregon Watershed Enhancement Board (OWEB) is about ten percent.
090	Bowles	Continues with presentation: <ul style="list-style-type: none"><li>• R&amp;E Funding</li></ul>
135	Rep. Kruse	Asks if the Oregon Department of Fish and Wildlife (ODFW) has

140	Bowles	many Americans with Disabilities Act (ADA) issues. Explains ADA issues facing the ODFW. Continues with presentation: <ul style="list-style-type: none"> <li>• R&amp;E Project Type</li> <li>• “R” Projects</li> <li>• “E” Projects</li> <li>• R&amp;E Projects</li> <li>• Impacts of HB 2259 Failure</li> </ul>
200	Rep. Dingfelder	Asks how the projects funded by the ODFW relate to the OWEB funded Project, and how these projects are consistent.
205	Bowles	Discusses the efforts to keep projects consistent.
235	Rep. Dingfelder	Clarifies that there is no overlap or duplication between the two agencies, or if there were that there is knowledge of this and cooperation.
245	Bowles	Comments on the communication between the two agencies.
255	Rep. Flores	Asks about the balance of the R&E funding.
260	Bowles	Observes that the balance is made up with matching funds.
270	Rep. Kruse	Clarifies that those matching funds could be used for other groups.
275	Bowles	Acknowledges.
280	Chair Jenson	Recalls Rep. Dingfelder’s concerns about duplicity among projects, and clarifies that some of the R&E projects are out of OWEB’s authority.
285	Bowles	Discusses the differing authority.
295	Darlene Kline-Dolby	Offers written testimony ( <b>EXHIBIT D</b> ) in support of HB 2259.
360	Les Helgeson	Native Fish Society. Offers written testimony ( <b>EXHIBIT E</b> ) against HB 2259.
<b>TAPE 21, A</b>		
010	Rep. Tomei	Asks whether the maintenance problem would become worse if the fee did not pass.
015	Helgeson	Provides that he does not know, but discusses several possibilities.
025	Rep. Dingfelder	Asks whether Mr. Helgeson would rather see a different amount of the fee go to facility maintenance, and expresses her concern for how removing funds would create better funding.
040	Helgeson	Comments on the possibilities for addressing the problem.
050	Rep. Schaufler	Indicates that he is unsure that repealing the fee would accomplish the goals the Native Fish Society supports.
055	Helgeson	Expresses his groups wish to see more of the fund go to maintenance.
065	Dave Peters	Coquille STEP. Offers testimony in support of HB 2259.
175	Chair Jenson	Thanks Mr. Peters and closes the public hearing on HB 2259. Opens a work session on HB 2259.
<b><u>HB 2259 – WORK SESSION</u></b>		
180	Chair Jenson	Asks Mr. Bowles to address the maintenance issue.
190	Bowles	Refers to the Fish Restoration and Enhancement Program: 2001-2003 Report to the Oregon Legislature ( <b>Exhibit C</b> ), and discusses maintenance issues.
225	Rep. Flores	Refers to the list of restoration projects, and asks about the Elk River installation of freezer door.
230	Bowles	Explains the costs regarding the freezer door.
245	Rep. Kropf	Indicates that he believes some of the listed costs are rather high

		for their intended purposes.
260	Bowles	Refers to Mr. Stahl.
265	Tom Stahl	Responds to the issue of project costs, including the use of the project titles and the extent of projects.
285	Rep. Kropf	Indicates the legislature's sensitivity to allocation of funds.
295	Rep. Flores	Adds that the handrail installation costs seem high.
300	Bowles	Explains that the mentioned handrail is an Occupational Safety & Health Administration (OSHA) obligation.
305	Rep. Schaufler	Comments that the costs presented could be reasonable.
315	Rep. Kruse	Points out that the particulars of funding will be addressed by Ways and Means Committee.
320	Chair Jenson	Thanks Rep. Kruse for his comment and concurs. Points out the mandate of the committee is to decide the policy issue and the subsequent referral to Ways and Means should address the funding the issues.
<b>330</b>	<b>Rep. Tomei</b>	<b>MOTION: Moves HB 2259 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
340	Rep. Kruse	Expresses concern for the lack of an emergency clause in the bill.
<b>350</b>		<b>VOTE: 7-0</b>
	<b>Chair Jenson</b>	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
360	Chair Jenson	Closes the work session on HB 2259, and opens a public hearing on HB 2255.

**HB 2255 – PUBLIC HEARING**

370	Pete Test	Committee Administrator. Offers a description of HB 2255.
<b>TAPE 20, B</b>		
002	Grant Higginson	Oregon Department of Human Services, State Public Health Office. Offers written testimony ( <b>EXHIBIT F</b> ) in support of HB 2255 with reference to ( <b>EXHIBIT G</b> ).
070	Rep. Kruse	Asks what the match rate is.
074	Higginson	Indicates the federal match rate is between fifty and sixty percent.
075	Rep. Dingfelder	Asks how the program is currently funded.
077	Higginson	Explains that currently the program receives \$1.2 million of general funds, and the rest comes from the Environmental Protection Agency (EPA) or from other sources.
088	Rep. Dingfelder	Clarifies that the fee would supplement the funds which come from the general fund.
090	Higginson	Discusses the use of those funds.
092	Rep. Dingfelder	Clarifies that the fees would only be collected from public water suppliers.
095	Higginson	Acknowledges.
100	Dave Leland	Department of Human Services, Drinking Water Division Manger. Offers a definition of the term public water systems which includes private suppliers.
105	Rep. Schaufler	Indicates his support for clean water, but asks how the department justifies charging those districts which currently comply a fee to make other districts comply.
115	Higginson	Comments on the issue of compliance.
125	Chair Jenson	Points out that HB 2255 does have a subsequent referral to Ways and Means, but discusses his policy concerns with the bill and proposed fee.

150	Higginson	Acknowledges the sensitivity to increasing, but expresses the basic need to ensure clean drinking water.
160	Willie Tiffany	League of Oregon Cities, Senior Staff Associate. Offers written testimony ( <b>EXHIBIT H</b> ) in opposition to HB 2255.
190	Susan Schneider	City of Portland, Government Relations Office. Offers written testimony ( <b>EXHIBIT I</b> ) in opposition to HB 2255.
270	Amanda Rich	Special Districts Association of Oregon, and Tri-County Water Resources Association. Offers testimony in opposition to HB 2255.
305	Rep. Tomei	Asks whether Ms. Rich is implying that those who need the service are not those who are paying for the service.
310	Rich	Comments on who would pay for the service and who would receive the benefits of the service.
320	Doug Riggs	Central Oregon Cities Organization. Offers testimony in opposition to HB 2255.
355	Chair Jenson	Comments on the nature of taxation and its inherent unfairness.
<b>TAPE 21, B</b>		
020	Liz Frenkel	League of Women Voters'. Offers written testimony ( <b>EXHIBIT J</b> ) in support of HB 2255.
050	Chair Jenson	Closes the public hearing on HB 2255, and opens a public hearing on HB 2253.

**HB 2253 – PUBLIC HEARING**

065	Pete Test	Offers a description of HB 2253.
075	John Lilly	Oregon Division of State Lands, Assistant Director. Offers written testimony ( <b>EXHIBIT K</b> ) in support of HB 2253.
140	Rep. Kruse	Clarifies an inclusion in the permit.
142	Lilly	Acknowledges.
155	Rep. Kropf	Asks what would happen if to the below 50 cubic yards issue if the assumption goal is achieved.
160	Lilly	Discusses the below 50 yard exemption.
183	Rep. Kropf	Clarifies Mr. Lilly's response.
193	Lilly	Further discusses the 50 cubic yard issue.
215	Rep. Kropf	Asks whether the general authorization requires a permit when under 50 yards.
220	Lilly	Explains that no permit is required.
230	Rep. Kropf	Asks if you still need a permit.
235	Lilly	Clarifies that the general authorization constitutes the permit.
250	Rep. Tomei	Asks for clarification on why the applicant does not better fund the program.
255	Lilly	Explains the reasoning behind the applicant fee.
280	Chair Jenson	Points out that there is not a work session scheduled on HB 2253, and asks that Mr. Lilly continue with his testimony.
290	Lilly	Concludes his testimony in support of HB 2253.
350	Chuck Bennett	Confederation of Oregon School Administrators. Offers testimony in support of HB 2253.

**TAPE 22, A**

002	Laurie Wimmer-Whealand	Oregon Education Association. Offers testimony in support of HB 2253.
030	Jon Oshel	Association of Oregon Counties, County Road Program Manager. Offers written testimony ( <b>EXHIBIT L</b> ) in opposition to HB 2253.
090	Tom Quintal Tim Cremer	Salem, Oregon. Offers testimony in opposition to HB 2253. Oregon Independent Miners. Offers written testimony ( <b>EXHIBIT M</b> ) in support of HB 2253.

185	Mel Stewart	Salem, Oregon. Offers testimony in opposition to HB 2253 with reference to <b>(EXHIBIT N)</b> .
220	Glen Stonebrink	Oregon Hay and Quarry Association, and the Oregon Cattlemen Association. Offers testimony in opposition to HB 2253.
260	Dave Babits	Thompson's Mills. Offers testimony in opposition to HB 2253.
295	Rich Angstrom	Oregon Concrete Aggregate Producers Association, President. Offers testimony in opposition to HB 2253.
	Chair Jenson	Closes public hearing on HB 2253, and adjourns the meeting at 10:37 a.m.

### **EXHIBIT SUMMARY**

**A – HB 2259, written testimony, Ed Bowles, 3 pp.**

**B – HB 2259, presentation, Ed Bowles, 9 pp.**

**C – HB 2259, Fish Restoration and Enhancement Program: 2001-2003 Report to the Oregon Legislature, Ed Bowles, 12 pp.**

**D – HB 2259, written testimony, Darlene Kline-Dolby, 1 p.**

**E – HB 2259, written testimony, Les Helgeson, 1 p.**

**F – HB 2255, written testimony, Grant Higginson, 3 pp.**

**G – HB 2255, written testimony, John Iani, 2 pp.**

**H – HB 2255, written testimony, Willie Tiffany, 1 p.**

**I – HB 2255, written testimony, Susan Schneider, 1 p.**

**J – HB 2255, written testimony, Liz Frenkel, 1 p.**

**K – HB 2253, written testimony, John Lilly, 9 pp.**

**L – HB 2553, written testimony, Jon Oshel, 2 pp.**

**M – HB 2553, written testimony, Tim Cremer, 1 p.**

**N – HB 2553, Oregon Division of State Lands: State Programmatic General Permit (SPGP), Mel Stewart, 5 pp.**