

HOUSE COMMITTEE ON WATER

April 22, 2003 Hearing Room B
8:30 AM Tape 73 - 74

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

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

MEASURE/ISSUES HEARD: **HB 3047 – Work Session**
 HB 2991 – Work Session
 HB 3215 – Work Session
 HB 3217 – Work Session
 HB 3220 – Work Session
 HB 3616 – Work Session
 HB 3519 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 73, A		
003	Chair Jenson	Calls meeting to order at 8:10 a.m., and discusses the agenda for the day. Opens a work session on HB 3047.
<u>HB 3047 – WORK SESSION</u>		
010	Chair Jenson	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 3047.
		VOTE: 7-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
015	Rep. Dingfelder	MOTION: Moves to RECONSIDER the vote by which HB 3047 was sent Do Pass as Amended to the floor.
015	Rep. Dingfelder	Explains the reason for reconsidering the measure.
025	Rep. Kruse	Thanks Rep. Dingfelder for her work on the bill.
030		VOTE: 7-0
	Chair Jenson	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
035	Chair Jenson	Explains that the HB 3047 will be heard at the Committee's next meeting, closes the work session on HB 3047, and opens a work session on HB 2991.
<u>HB 2991 – WORK SESSION</u>		
040	Rep. Kruse	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2991.

VOTE: 7-0
Chair Jenson
045 Rep. Kruse **Hearing no objection, declares the motion CARRIED.**
MOTION: Moves to RECONSIDER the vote by which HB 2991 was sent Do Pass as Amended to the floor.

050 Pete Test Committee Administrator. Explains the reason for reconsidering the vote on HB 2991.

055 VOTE: 6-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Kropf
The motion CARRIES.

060 Chair Jenson
Rep. Kruse **MOTION: Moves HB 2991 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue by prior reference.**

065 Chair Jenson Points out the bill was amended at the last meeting.
070 VOTE: 6-0
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Kropf
The motion CARRIES.

075 Chair Jenson Closes the work session on HB 2991, and opens a work session on HB 3215.

HB 3215 – WORK SESSION

080 Pete Test Committee Administrator. Offers a description of HB 3215, and introduces the proposed -3 amendments (**EXHIBIT A**).

090 Doug Riggs Central Oregon Cities Organization. Offers a written description (**EXHIBIT B**) of the -3 amendments to HB 3215.

120 Chair Jenson Recalls that the committee heard the measure in a previous meeting. Clarifies that all the interested parties are happy with the -3 amendments.

125 Riggs Explains that he cannot speak for the other parties directly, but points out that the -3 amendments are a compromise among all the parties.

135 Rep. Kruse Asks about specific language in the amendments.

145 Riggs Comments on the wording in question.

155 Rep. Kruse Further clarifies the issue of primacy in the amendments and the bill.

160 Riggs Acknowledges, and further discusses the issue of primacy.

170 Kimberly Priestley WaterWatch. Offers testimony outlining her groups concerns with the measure including the -3 amendments.

195 Rep. Kruse Points out that in most cases in-stream water rights take precedence over junior water rights.

200 Priestley Discusses the issue of water rights precedence.

210 Anita Winkler Oregon Water Resources Congress. Offers testimony regarding HB 3215 and the proposed -3 amendments.

220 Paul Cleary Oregon Water Resources Department. Offers written testimony (**EXHIBIT C**) regarding HB 3215, and the proposed -3 amendments.

250 Chair Jenson Asks whether the Department was involved in the formulation of the -3 amendments.

255 Cleary Comments on the discussions which created the -3 amendments.

275 Rep. Kruse Asks what date in-stream water rights have precedence over other water rights.

280 Cleary Explains that the in-stream water right law was passed in 1987,

295	Rep. Kruse	and further discusses the issue of in-stream water rights.
300	Cleary	Comments on the priority rights issue. Acknowledges, and expresses his interest in continuing discussion on this issue.
310	Chair Jenson	Asks the involved parties to meet at 3:00 in the afternoon to discuss the issue.
312	Cleary	Indicates that 3:00 p.m. would be fine for him.
315	Riggs	Indicates that he too would be available at 3:00, but expresses concern for the work imposed on Legislative Counsel.
320	Chair Jenson	Expresses his wish to see these issues worked out before 3:00 today. Closes the work session on HB 3215, and opens a work session on HB 3217.

HB 3217 – WORK SESSION

355	Pete Test	Committee Administrator. Offers a description of HB 3217.
365	Doug Riggs	Central Oregon Cities Organization. Offers testimony outlining HB 3217, and the proposed -3 amendments (EXHIBIT D).
400	Rep. Schaufler	Comments on the increase in water efficiency.
410	Riggs	Recognizes that efficiency increase and further comments on the issue.

TAPE 74, A

005	Paul Cleary	Oregon Water Resources Department. Points out the programs which the Department has implemented which increase the efficiency of water use.
010	Rep. Kropf	Asks whether the statutes mentioned by Mr. Cleary are in conflict.
015	Cleary	Comments on those statutes, indicating that there are no conflicts. Continues with testimony regarding the bill.
025	Rep. Tomei	Asks how notice is currently served by the department.
030	Cleary	Explains the means in which those interested are notified.
020	Kimberley Priestley	WaterWatch. Offers testimony regarding HB 3217, including her groups concerns with the intent of the bill.
050	Aubrey Russell	Oregon Trout. Offers testimony in opposition to HB 3217.
065	Anita Winkler	Oregon Water Resources Congress. Offers testimony in opposition to HB 3217 as currently written.
085	Chair Jenson	Explains that he would like to meet with all of the interested parties at 3:00 today, where a decision will be made regarding the future of the bill. Closes the work session on HB 3217, and opens a work session on 3220.

HB 3220 – WORK SESSION

105	Chair Jenson	Explains that the committee is waiting for an amendment which would limit the scope of the bill to the Deschutes River Basin, but introduces the -3 amendments (EXHIBIT E).
115	Pete Test	Committee Administrator. Offers a description of the proposed -3 amendments.
120	Chair Jenson	Outlines his intentions regarding the future of HB 3220. Closes the work session on HB 3220, and opens a work session on HB 3616.

HB 3616 – WORK SESSION

150	Pete Test	Committee Administrator. Offers a description of HB 3616, and introduces the proposed -2 amendments (EXHIBIT F).
170	Andrew Bowman	Defenders of Wildlife. Offers testimony in support of HB 3616, and offers an explanation of the -2 amendments. Introduces possible conceptual amendments to the -2 amendments.
200	Katie Fast	Oregon Cattleman's Association. Offers testimony in support of

215 Chair Jenson the -2 amendments with the proposed conceptual amendments.
 220 Fast Clarifies the intent of the conceptual amendments.
 225 Chair Jenson Acknowledges the clarification.
 Clarifies that everyone involved is happy with the -2 amendments and the proposed conceptual amendments. Indicates that the Committee would like to hear from Legislative Counsel before continuing, and recesses the meeting.

RECESS

226 Chair Jenson Calls meeting back to order, and outlines the proposed conceptual amendment.

230 Brendan McCarthy Legislative Council. Comments on the proposed conceptual amendment, indicating that he does not see a problem with the change.

235 Chair Jenson Clarifies that "shall" would be more mandatory than "may."
 240 McCarthy Acknowledges, and further discusses the wording.
 250 Chair Jenson Enters into the record submitted testimony (**EXHIBIT G**) from Karen Lewotsky of the Oregon Environmental Council.

255 **Rep. Dingfelder** **MOTION: Moves to AMEND the HB 3616 -2 amendments on page 2, in line 28, changing "may" to "shall".**
VOTE: 5-0
EXCUSED: 2 - Kropf, Kruse
Hearing no objection, declares the motion CARRIED.

265 **Chair Jenson** **MOTION: Moves to ADOPT HB 3616-2 amendments dated 04/17/03 as CONCEPTUALLY AMENDED.**
Rep. Dingfelder **VOTE: 5-0**
EXCUSED: 2 - Kropf, Kruse
Hearing no objection, declares the motion CARRIED.

275 **Chair Jenson** **MOTION: Moves HB 3616 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue by prior reference.**
Rep. Dingfelder

285 **VOTE: 5-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Kropf, Kruse
The motion CARRIES.

290 **Chair Jenson**
 Chair Jenson Closes the work session on HB 3616, and opens a work session on HB 3519.

HB 3519 – WORK SESSION

300 Pete Test Committee Administrator. Offers a description of the bill, and points out the efforts to draft amendments to the bill beyond the current -3 (**EXHIBIT H**), -4 (**EXHIBIT I**), -5 (**EXHIBIT J**), -6 (**EXHIBIT K**), and -7 (**EXHIBIT L**) amendments.

320 Chair Jenson Asks which groups are attempting to amend the bill.
 325 Test Identifies those groups which are interested in amending the bill, and further discusses the possible amendments.

340 Chair Jenson Asks why those groups are not in attendance at the current meeting.

345 Test Indicates that he does not know why these groups are not in attendance.

355 Chair Jenson Expresses his perplexity regarding the abstention of those groups involved in HB 3519. Comments on the future of the bill. Closes the work session on HB 3519, and adjourns the meeting at 9:40 a.m.

EXHIBIT SUMMARY

- A – HB 3215, -3 amendments, Staff, 7 pp.**
- B – HB 3215, amendment description, Doug Riggs, 1 p.**
- C – HB 3215, written testimony, Paul Cleary, 1 p.**
- D – HB 3217, -3 amendments, Doug Riggs, 9 pp.**
- E – HB 3220, -3 amendments, Staff, 1 p.**
- F – HB 3616, -2 amendments, Staff, 12 pp.**
- G – HB 3616, submitted testimony from Karen Lewotsky, Staff, 1 p.**
- H – HB 3519, -3 amendments, Staff, 1 p.**
- I – HB 3519, -4 amendments, Staff, 1 p.**
- J – HB 3519, -5 amendments, Staff, 1 p.**
- K – HB 3519, -6 amendments, Staff, 1 p.**
- L – HB 3519, -7 amendments, Staff, 41 pp.**