

HOUSE COMMITTEE ON WATER

April 24, 2003 Hearing Room B
8:30 AM Tape 75 - 77

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

MEMBER(S) EXCUSED: Rep. Jeff Kruse

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

MEASURE/ISSUES HEARD: **HB 3047 – Work Session**
 SB 174 – Public Hearing
 HB 3215 – Work Session
 HB 3217 – Work Session
 HB 3220 – Work Session
 HB 2138 – Work Session
 HB 2606 – 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 75, A		
003	Chair Jenson	Calls meeting to order at 8:10 a.m., and comments on the upcoming schedule for the Committee. Opens a work session on HB 3047.
<u>HB 3047 – WORK SESSION</u>		
010	Pete Test	Committee Administrator. Offers a description of HB 3047, and introduces the proposed -3 amendments (EXHIBIT A) which eliminated the fiscal impact of the bill.
025	Rep. Dingfelder	Thanks Rep. Kruse for his work on the measure.
030	Chair Jenson	Comments on the cooperation regarding the bill.
040	Rep. Dingfelder	MOTION: Moves to ADOPT HB 3047-3 amendments dated 04/23/03. VOTE: 5-0 EXCUSED: 2 - Kropf, Kruse Hearing no objection, declares the motion CARRIED.
045	Chair Jenson Rep. Dingfelder	MOTION: Moves HB 3047 to the floor with a DO PASS AS AMENDED recommendation.
050	Rep. Dingfelder	Withdraws her motion to send HB 3047 to the floor with a Do Pass as Amended recommendation. MOTION: Moves HB 3047 to the floor with a DO PASS AS AMENDED recommendation and the

**SUBSEQUENT REFERRAL to the committee on BE
RESCINDED.**

060

Chair Jenson

VOTE: 5-0

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

EXCUSED: 2 - Kropf, Kruse

The motion CARRIES.

REP. DINGFELDER will lead discussion on the floor.

065

Chair Jenson

Closes the work session on HB 3047, and opens a public hearing on SB 174.

SB 174 – PUBLIC HEARING

080

Pete Test

Committee Administrator. Offers a description of HB 174.

085

Chair Jenson

Asks where the bill came from.

090

Test

Comments on the bills origin, and further describes the bill.

105

Chair Jenson

Asks who requested the bill.

110

Test

Explains that the Oregon State Marine Board requested the bill.

115

Chair Jenson

Asks if Mr. Myron from the Governor's Office knows why the bill was introduced.

120

Jim Myron

Governor's Office. Indicates that he does not know about the bill, but points out that the bill was brought at the bequest of the department.

125

Rep. Dingfelder

Asks where the money collected through fines is distributed.

130

Chair Jenson

Closes the work session on SB 174, indicating his wish to hear the merits of the bill from the bills proponents. Recesses the meeting.

RECESS

170

Chair Jenson

Calls meeting back to order, and opens a work session on HB 3215.

HB 3215 – WORK SESSION

175

Chair Jenson

Explains the situation of the bill and the cooperation which should support the proposed -4 amendments (**EXHIBIT B**).

200

Doug Riggs

Central Oregon Cities Organization. Offers written testimony (**EXHIBIT C**) if favor of and explaining the proposed -4 amendments.

255

Rep. Flores

Asks whether there are currently administrative rules which govern such transfers.

260

Adam Sussman

Oregon Water Resources Department. Acknowledges, but points out that this would just allow another tool for handling such situations.

265

Rep. Flores

Clarifies the need for this bill.

270

Sussman

Clarifies the intent of the measure.

285

Chair Jenson

Points out that the amendments were late in coming which accounts for the confusion.

295

Anita Winkler

Oregon Water Resources Congress. Offers testimony regarding HB 3215.

300

Chair Jenson

Asks that the witnesses remember to speak up when testifying.

310

Sussman

Indicates the departments support for the bill with the -4 amendments.

330

Aubrey Russell

Oregon Trout. Concurs with the previous witnesses and indicates his groups support for the bill with the -4 amendments.

360

Rep. Dingfelder

MOTION: Moves to ADOPT HB 3215-4 amendments dated 04/24/03.

VOTE: 5-0

EXCUSED: 2 - Kropf, Kruse

Chair Jenson

Hearing no objection, declares the motion CARRIED.

365 Rep. Dingfelder **MOTION: Moves HB 3215 to the floor with a DO PASS AS AMENDED recommendation.**

370 **VOTE: 5-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Kropf, Kruse
The motion CARRIES.
REP. DINGFELDER will lead discussion on the floor.

375 Chair Jenson Closes the work session on HB 3215, and opens a work session on HB 3217.

HB 3217 – WORK SESSION

380 Pete Test Committee Administrator. Offers a description of the bill, and introduces the proposed -4 amendments (**EXHIBIT D**).

395 Doug Riggs Central Oregon Cities Organization. Offers written testimony (back of Exhibit C) in support of HB 3217, and in favor of the proposed -4 amendments.

TAPE 76, A

030 Riggs Continues with explanation of the proposed -4 amendments.

045 Vice-Chair Dingfelder Asks that Adam Sussman from the Water Resources Department, address the -4 amendments.

050 Adam Sussman Oregon Water Resources Department. Indicates the department's support of the -4 amendments.

055 Anita Winkler Oregon Water Users Conference. Indicates her group's support of HB 3217 with the -4 amendments.

065 Aubrey Russell Oregon Trout. Indicates his group's support of HB 3217 as amended.

080 Vice-Chair Dingfelder Enters submitted testimony (**EXHIBIT E**), and proposed conceptual amendments (**EXHIBIT F**) from Kimberley Priestley of WaterWatch into the record.

085 Rep. Flores Asks about specific wording in the proposed amendments.

090 Sussman Defines the language in question.

100 Rep. Flores Further questions wording in the amendments.

105 Sussman Explains that "water-use permit" and "water right" are used interchangeably.

110 Rep. Flores Asks whether the bill assigns water rights to the individual rather than the land.

120 Sussman Comments on those terms which are used interchangeably in statute.

125 Rep. Schaufler Comments on wording in the bill.

130 Russell Clarifies that water use and water rights are not used interchangeably in the bill.

140 Sussman Clarifies the language in question.

155 **Rep. Tomei** **MOTION: Moves to ADOPT HB 3217-4 amendments dated 04/24/03.**

160 **VOTE: 4-0**
EXCUSED: 3 - Kropf, Kruse, Jenson
Hearing no objection, declares the motion CARRIED.

175 **Rep. Tomei** **MOTION: Moves HB 3217 to the floor with a DO PASS AS AMENDED recommendation.**

180 **VOTE: 4-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Kropf, Kruse, Jenson

	Vice-Chair Dingfelder	The motion CARRIES.
185	Vice-Chair Dingfelder	WESTLUND will lead discussion on the floor. Closes the work session on HB 3217, and opens a work session on HB 3220.
<u>HB 3220 – WORK SESSION</u>		
190	Pete Test	Committee Administrator. Offers a description of HB 3220, and introduces the proposed -4 amendments (EXHIBIT G).
200	Doug Riggs	Central Oregon Cities Organization. Offers testimony in support of HB 3220 and the proposed -4 amendments.
210	Adam Sussman	Oregon Water Resources Department. Offers testimony in opposition to HB 3220 with the proposed -4 amendments.
240	Aubrey Russell	Oregon Trout. Offers written testimony (EXHIBIT H) in opposition to HB 3220, and the proposed -4 amendments.
285	Vice-Chair Dingfelder	Recesses the meeting.
RECESS		
290	Chair Jenson	Calls meeting back to order.
295	Russell	Restates his group's opposition to HB 3220 with the proposed -4 amendments.
300	Chair Jenson	Restates his earlier hypothetical situation of applying the intent of the measure to the Columbia River.
305	Adam Sussman	Comments on the hypothetical situation.
320	Chair Jenson	Restates his question and asks for further comment, and asks what the daily flow of the Columbia River is currently.
240	Sussman	Comments on the daily flow of the Columbia River.
245	Chair Jenson	Clarifies his question.
250	Sussman	Indicates that he does not know the answer.
255	Russell	Comments on the Columbia River example.
265	Chair Jenson	Points out the lack of clarity in both witnesses' answer, and further comments on the effects on flow reductions.
TAPE 75, B		
010	Chair Jenson	Closes the work session on HB 3220, and reopens the public hearing on SB 174.
<u>SB 174 – PUBLIC HEARING</u>		
015	Char Jenson	Apologizes to Mr. Donheffner for having heard the bill earlier, before he was present at the meeting.
020	Paul Donheffner	Oregon State Marine Board. Apologizes to the Committee for not having been at the meeting earlier. Offers written testimony (EXHIBIT I) in support of SB 174.
045	Rep. Dingfelder	Clarifies the definition of minor offences.
050	Donheffner	Comments on what constitutes minor offences.
055	Rep. Dingfelder	Asks where the funds collected from the fines are kept.
060	Donheffner	Explains where the money collected from the fine is accounted.
065	Rep. Flores	Clarifies that there is currently hesitancy in issuing the fine, because there is a feeling the fine is too much, which accounts for the lack of a fiscal impact statement.
070	Donheffner	Acknowledges, and discusses the severity of the fine.
075	Vice-Chair Dingfelder	Closes the public hearing on SB 174.
080	Chair Jenson	Questions why SB 174 did not go before the Judiciary Committee, and reopens the public hearing on SB 174.
<u>SB 174 – PUBLIC HEARING</u>		
085	Donheffner	Points out that bill assignment is at the bequest of the Speaker.
90	Chair Jenson	Comments on his wish to hold off on any action until he can talk

		to the Chair of the House Committee on Judiciary regarding the bill.
105	Donheffner	Points out the issue was not raised on the Senate side.
110	Chair Jenson	Closes the public hearing on SB 174, and recesses the meeting.
RECESS		
115	Chair Jenson	Calls meeting back to order and opens a work session on HB 2138.
<u>HB 2138 – WORK SESSION</u>		
120	Pete Test	Committee Administrator. Offers a description of HB 2138, and introduces the proposed -3 amendments (EXHIBIT J).
135	Chair Jenson	Outlines the history of HB 2138, and the reasoning for the proposed -3 amendments.
180	Rep. Tomei	Asks for clarification of language.
185	Chair Jenson	Points out language, and continues with testimony outlining the issues of HB 2138, with reference to possible conceptual amendments (EXHIBIT K).
290	Ed Bowles	Oregon Department of Fish and Wildlife, Fish Division Administrator. Offers testimony regarding HB 2138, and the proposed -3 amendments.
320	Jim Myron	Governor’s Office. Offers testimony regarding HB 2138, the proposed -3 amendments and the subsequent conceptual amendments.
335	Rep. Flores	Clarifies specific language in the bill.
350	Bowles	Indicates he is unfamiliar with the provision in question.
355	Rep. Schaufler	Comments on wording in the measure.
360	Rep. Dingfelder	Asks why specific language in the amendment is included.
365	Chair Jenson	Discusses the intent of the language in question.
TAPE 76, B		
005	Myron	Points out that the language in question was not at the bequest of the Governor.
010	Chair Jenson	Acknowledges and comments on the origin of the language in question.
015	Rep. Schaufler	Asks whether all concerned parties have had input on the process.
020	Chair Jenson	Explains that there have been many conversations regarding the measure and the issue.
025	Bowles	Points out wording in the second paragraph of the conceptual amendments.
035	Chair Jenson	Comments on the wording in question and further comments on the need for clarification of wording.
065	Myron	Defers to Mr. Bowles.
070	Bowles	Comments on the proposed wording.
075	Chair Jenson	Comments on another change which may need to be made to the bill and amendments.
085	Aubrey Russell	Oregon Trout. Indicates his group’s support for the conceptual amendments to the bill.
100	Chair Jenson	Explains the function of the Oregon Plan, and points out the definition of “recovery” in the bill.
110	Russell	Comments on the application of that definition.
125	Chair Jenson	Asks that Mr. Bowles address the definition of “recovery.”
130	Russell	Offers his perception of the intent of the wording.
135	Bowles	Explains that he agrees with the proposed wording and further comments on the language.
145	Chair Jenson	Further clarifies language in the amendment.

150 Bowles Further comments on the language.
 155 Rep. Dingfelder Comments on the language in question.
 160 Rep. Schaufler Asks that he be supplied with the criteria needed to place a species on the State endangered species act, when it is not listed with the federal government.

165 Chair Jenson Comments on the criteria.
 185 Bowles Points out further wording which may be needed.
 195 Les Helgeson Native Fish Society. Indicates his group's support for the amendments.

205 Ray Wilkinson Oregon Forest Industries Council. Thanks Chair Jenson for his diligent work on the bill.

215 Chair Jenson Thanks his staff for their work on the bill, indicates his intention regarding the future of the bill. Closes the work session on HB 2138, and opens a work session on HB 2606.

HB 2606 – WORK SESSION

295 Jim Myron Governor's Office. Offers testimony regarding HB 2606.
 315 Chair Jenson Comments on language in the bill.
 385 Les Helgeson Native Fish Society. Offers testimony regarding HB 2606, with reference to the proposed -2 amendments (**EXHIBIT L**).
 400 Chair Jenson Asks Mr. Helgeson to explain the proposed amendments.
 405 Helgeson Comments on the intent behind the amendments.

TAPE 77, A

020 Ed Bowles Oregon Department of Fish and Wildlife. Offers testimony regarding HB 2606.
 040 Chair Jenson Clarifies that Mr. Myron is OK with the amendments suggested by Mr. Bowles.
 045 Helgeson Indicates his availability to work on the issue.
 055 Rep. Dingfelder Offers to help in the discussion on the bill.
 060 Chair Jenson Explains that he would like the group to address the issue that afternoon. Discusses the possibility of allowing Rep. Westlund to carry HB 3215 and HB 3217 on the floor.

080 Rep. Dingfelder Indicates she would agree with Rep. Westlund carry the bill.
 100 **Chair Jenson**

MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KROPF to BE RECORDED as voting AYE on the MOTION: Moves HB 3047 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on BE RESCINDED. AYE on the MOTION: Moves HB 3215 to the floor with a DO PASS AS AMENDED recommendation. AYE on the MOTION: Moves HB 3217 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0

EXCUSED: 1 - Kruse

Hearing no objection, declares the motion CARRIED.

120 **Chair Jenson**
Vice-Chair Kropf

MOTION: Requests unanimous consent that the rules be SUSPENDED to allow CHAIR JENSON to BE RECORDED as voting AYE on the MOTION: Moves HB 3217 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0

EXCUSED: 1 - Kruse

125	Vice-Chair Kropf Chair Jenson	<p>Hearing no objection, declares the motion CARRIED. MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KROPF to BE RECORDED as voting AYE on the motion sending HB 3616 to the floor with a Do Pass recommendation.</p> <p>VOTE: 6-0 EXCUSED: 1 - Kruse</p>
135	Chair Jenson Chair Jenson	<p>Hearing no objection, declares the motion CARRIED. Closes the work session on HB 2606, and adjourns the meeting at 10:32 a.m.</p>

EXHIBIT SUMMARY

- A – HB 3047, -3 amendments, Staff, 2 pp.**
- B – HB 3215, -4 amendments, Staff, 7 pp.**
- C – HB 3215 & 3217, written testimony, Doug Riggs, 2 pp.**
- D – HB 3217, -4 amendments, Staff, 10 pp.**
- E – HB 3217, submitted testimony from Kimberley Priestley, Rep. Dingfelder, 2 pp.**
- F – HB 3217, conceptual amendments from Kimberley Priestley, Rep. Dingfelder, 1 p.**
- G – HB 3220, -4 amendments, Staff, 1 p.**
- H – HB 3220, written testimony, Aubrey Russell, 4 pp.**
- I – SB 174, written testimony, Paul Donheffner, 1 p.**
- J – HB 2138, -3 amendments, Staff, 4 pp.**
- K – HB 2138, conceptual amendments, Chair Jenson, 1 p.**
- L – HB 2606, -2 amendments, Les Helgeson, 2 pp.**