

HOUSE COMMITTEE ON WATER

May 08, 2003 Hearing Room B
8:30 AM Tape 85 - 86

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: **SB 82A – Work Session**
 HB 3281 – Work Session
 HB 3201 – Work Session
 HB 3298 – 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 85, A		
003	Chair Jenson	Calls meeting to order at 8:46 a.m. and opens a work session on SB 82A.
<u>SB 82A – WORK SESSION</u>		
005	Pete Test	Committee Administrator. Offers a description of SB 82A.
012	Chair Jenson	Asks whether the Committee has all the relevant amendments.
015	Test	Introduces the proposed -A4 amendments (EXHIBIT A).
035	Jeanette Holman	Oregon Division of State Lands. Offers a brief history and description of the bill.
060	Chair Jenson	Asks why these amendments were not amended in the Senate.
065	Holman	Explains the amendments which were adopted on the Senate side.
075	Adam Sussman	Oregon Water Resources Department. Offers written testimony (EXHIBIT B) in support of the -A4 amendments to SB 82A.
090	Chair Jenson	Asks why, if the bill was amended on the Senate side, there is a –A4 amendment to the bill before the committee.
100	Holman	Explains the reasoning for the –A4 amendments.
110	Sussman	Further explains the reason for the –A4 amendments, indicating that Sen. Messerle, who sponsored the bill, is in concurrence with the proposed amendments.
130	Chair Jenson	Asks if Sen. Messerle was supportive of the rewrite to the bill.
135	Sussman	Indicates that he did not know of the paragraph in question when he last talked to Sen. Messerle.
137	Holman	Points out changes requested by the Department.
140	Brendan McCarthy	Legislative Counsel. Discusses the reason for the changes proposed in the –A4 amendments, explaining that after rereading

170	Chair Jenson	the A-engrossed version, he saw need for change.
185	Jean Wilkinson	Points out the difficulty with the language. Oregon Farm Bureau. Offers testimony regarding SB 82A, and the proposed –A4 amendments.
200	Rep. Dingfelder	Asks whether Ms. Wilkinson has seen the –A4 amendments.
205	Wilkinson	Explains that she supports the –A4 amendments.
210	Chair Jenson	Recesses the public hearing on SB 82A.
<u>HB 3281 – WORK SESSION</u>		
215	Chair Jenson	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3281.
		VOTE: 7-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
220	Chair Jenson	Explains the reasoning for reconsidering the vote on HB 3281.
225	Chair Jenson	MOTION: Moves to RECONSIDER the vote by which HB 3281 was sent to the floor with a Do Pass recommendation.
		VOTE: 7-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
230	Rep. Kruse	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote by which the -1 amendments were adopted to HB 3281.
		VOTE: 7-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
235	Rep. Kruse	MOTION: Moves to RECONSIDER the vote by which the -1 amendments were adopted to HB 3281.
		VOTE: 7-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
240	Chair Jenson	Opens a work session on HB 3281.
250	Pete Test	Committee Administrator. Offers a description of HB 3281, and the proposed -2 amendments (EXHIBIT C).
270	Adam Sussman	Oregon Water Resources Department. Offers testimony regarding HB 3281, and the proposed -2 amendments.
295	Rep. Dingfelder	Asks Mr. Sussman to expand on the issues of concern.
300	Sussman	Further discusses the issues which are addressed in the -2 amendments, and those issues which are not addressed by the amendments.
340	Rep. Dingfelder	Asks about the issue which is not addressed in the -2 amendments.
345	Sussman	Further discusses the issue of concern.
350	Rep. Kropf	Asks Mr. Sussman to address specific language which would be added by the -2 amendments.
370	Rep. Dingfelder	Discusses the language in question.
375	Rep. Kruse	Further discusses the language in question.
395	Kristina McNitt	Oregon Water Resources Congress. Offers testimony regarding the -2 amendments.
400	Rep. Kropf	Asks Ms. McNitt to address the changes from the -1 amendments to the -2 amendments.
405	McNitt	Comments on the relevant changes.
TAPE 86, A		
015	Rep. Kruse	Asks for a clarification of specific wording in the amendments.
020	McNitt	Clarifies the wording in question. Further discusses what changes are needed for the -2 amendments.
040	Rep. Kruse	Asks what the problem is with the specific changes in the

amendments.

045 Sussman Explains that the department never saw a need to change the original wording of the statute in the way which was proposed.

055 Rep. Kruse Asks what the intent of the change was originally.

060 McNitt Discusses the original intent of the amendments.

065 Rep. Kruse Comments on the need for a conceptual amendment to correct the problem.

075 Brendan McCarthy Legislative Counsel (LC). Comments on the problems with the proposed conceptual amendments, indicating that he has no editorial ability to change amendments once adopted by the committee.

085 Rep. Kruse Acknowledges, but clarifies what ability LC has to renumber sections after a conceptual amendment.

090 McCarthy Indicates that this ability to renumber would probably be sufficient.

100 Rep. Flores Asks about specific wording in the amendments.

105 Chair Jenson Discusses a possible conceptual amendment.

110 McCarthy Discusses the concern expressed by Rep. Flores.

135 Rep. Flores Further questions the wording.

140 McCarthy Further addresses the concern.

150 Chair Jenson Expresses his concerns with creating conceptual amendments, closes the work session on HB 3281.

170 Rep. Kruse Clarifies that the counties in question were consulted before drafting of the bill.

175 McNitt Discusses the language in question, and the issues regarding the counties involved.

195 Rep. Kruse Expresses concern for the potential changes expressed.

200 Chair Jenson Discusses the role of the Water Resources Department in deciding the issue.

210 Committee Discusses the proposed amendments.

225 Chair Jenson Opens a work session on SB 82 A.

SB 82A – WORK SESSION

230 Rep. Kruse **MOTION: Moves to ADOPT SB 82A-4 amendments dated 05/07/03.**

VOTE: 7-0

Chair Jenson **Hearing no objection, declares the motion CARRIED.**

235 Rep. Kruse Clarifies that Sen. Messerle is comfortable with the amendments.

240 Chair Jenson Acknowledges that during the recess Sen. Messerle was contacted, and is fine with the amendments.

245 Rep. Kruse **MOTION: Moves SB 82A to the floor with a DO PASS AS AMENDED recommendation.**

250 **VOTE: 7-0**

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

255 Rep. Kruse **MOTION: Moves SB 82A be placed on the CONSENT CALENDAR.**

VOTE: 7-0

Chair Jenson **Hearing no objection, declares the motion CARRIED.**

260 Chair Jenson Closes the work session on SB 82A, and opens a work session on HB 3201.

HB 3201 – WORK SESSION

265 Chair Jenson **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3201.**

VOTE: 7-0
Hearing no objection, declares the motion CARRIED.
MOTION: Moves to RECONSIDER the vote by which HB 3201 was sent to the floor with a Do Pass as Amended recommendation.

270 Chair Jenson
Rep. Kruse

275 Rep. Dingfelder
Recalls that the Committee had sent HB 3201 to the Committee on Ways and Means.

280 Rep. Kruse
Amends his previous motion to include the subsequent referral to Ways and Means.

285 Chair Jenson
Clarifies the amended motion, and comments on the reason for reconsidering the bill.

VOTE: 7-0
Hearing no objection, declares the motion CARRIED.
MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote by which the committee adopted the -2 amendments to HB 3201.

290 Chair Jenson
Rep. Kropf

VOTE: 7-0
Hearing no objection, declares the motion CARRIED.
MOTION: Moves to RECONSIDER the vote by which the committee adopted the -2 amendments to HB 3201.

295 Chair Jenson
Rep. Kropf

VOTE: 7-0
Hearing no objection, declares the motion CARRIED.
MOTION: Moves to RECONSIDER the vote by which the committee adopted the -2 amendments to HB 3201.

300 Chair Jenson
315 Kristina McNitt
325 Chair Jenson
330 McNitt
340 Rep. Kruse

VOTE: 7-0
Hearing no objection, declares the motion CARRIED.
MOTION: Moves to ADOPT HB 3201-3 amendments dated 05/06/03.

345 Chair Jenson
Rep. Kruse

VOTE: 7-0
Hearing no objection, declares the motion CARRIED.
MOTION: Moves HB 3201 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.

350

VOTE: 7-0
AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.

360 Chair Jenson
Chair Jenson
Closes the public hearing on HB 3201, and opens a work session on HB 3298.

HB 3298 – WORK SESSION

365 Chair Jenson
370 Rep. Flores
395 Chair Jenson
400 Rep. Flores

TAPE 85, B

005 Rep. Schaufler
007 Rep. Flores
010 Rep. Dingfelder

Asks Rep. Flores to present the amendments to HB 3298.
Offers a description of the issue, and introduces the proposed -2 amendments (**EXHIBIT E**).
Asks about the effect of the -2 amendments.
Further comments on the effects of the proposed -2 amendments.
Clarifies the limitation of the bill imposed by the -2 amendments.
Acknowledges.
Asks the Department to address the amendments.

015	Adam Sussman	Oregon Water Resources Department. Discusses the proposed -2 amendments, indicating that the department is still uneasy with the bill.
050	Rep. Dingfelder	Clarifies the Department's interpretation of the bill.
055	Sussman	Further discusses the Department's understanding of the effects of the bill.
065	Rep. Kruse	Expresses concerns with some of the possible effects of the bill.
070	Chair Jenson	Comments on the forecasts mentioned by Mr. Sussman.
075	Rep. Flores	Discusses the work which has been done on the issue during the last several days. Enters into record submitted memo (EXHIBIT F) from the Oregon Cranberry Farmers' Alliance.
095	Rep. Kruse	Asks Mr. McCarthy about specific wording in the -2 amendments.
100	Brendan McCarthy	Legislative Counsel. Explains the ways in which amendments are drafted.
115	Rep. Kropf	Refers to the original language of the bill, and asks about language in the -2 amendments.
125	McCarthy	Comments on the substantive effects of the -2 amendments.
145	Rep. Kropf	Clarifies that an irrigation could purchase land with water rights, and then be considered an owner as defined by the bill with the -2 amendments.
150	McCarthy	Acknowledges.
155	Rep. Kropf	Further clarifies the language in question, and the concerns with that language.
165	McCarthy	Comments on those concerns.
175	Rep. Kropf	Asks whether there is a conflict in not allowing a water district to be an owner would somehow limits its responsibility to deliver water.
180	McCarthy	Restates his lack of concern for there being a possible conflict.
190	Rep. Flores	MOTION: Moves to ADOPT HB 3298-2 amendments dated 05/08/03.
		VOTE: 7-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
195	Rep. Flores	MOTION: Moves HB 3298 to the floor with a DO PASS AS AMENDED recommendation.
200		VOTE: 6-1
		AYE: 6 - Flores, Kropf, Kruse, Schaufler, Tomei, Jenson
		NAY: 1 - Dingfelder
	Chair Jenson	The motion CARRIES.
		FLORES will lead discussion on the floor.
215	Chair Jenson	Closes the work session on 3298, and adjourns the meeting at 9:57 a.m.

EXHIBIT SUMMARY

- A – SB 82A, -A4 amendments, Staff, 1 p.
- B – SB 82A, written testimony, Adam Sussman, 2 pp.
- C – HB 3281, -2 amendments, Staff, 18 pp.
- D – HB 3201, -3 amendments, Staff, 9 pp.
- E – HB 3298, -2 amendments, Staff, 1 p.

F – HB 3298, submitted testimony from Carol Russell, Rep. Flores, 1 p.