

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

April 23, 2001
1:00 P.M.

Hearing Room E
Tapes 102 - 103

MEMBERS PRESENT:

Rep. Bob Jenson, Chair
Rep. Jan Lee, Vice-Chair
Rep. Randy Leonard Vice-Chair
Rep. Tim Knopp
Rep. Jeff Kruse
Rep. Patti Smith
Rep. Al King
Rep. Carolyn Tomei
Rep. Kelley Wirth

STAFF PRESENT:

Sandy Thiele-Cirka, Committee Administrator
Linda K. Gatto, Committee Assistant

MEASURES HEARD:

HB 3958 - Public Hearing
HB 3728 - Public Hearing
HB 3341 - Work Session
HB 3637 - Work Session
HB 2788 - 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 102, A		
004	Chair Jenson	Calls the meeting to order at 1:10 p.m. and opens the public hearing on HB 3958.
<u>HB 3958 – PUBLIC HEARING</u>		
015	Kristina McNitt	Oregon Water Resources Congress. Reads prepared testimony in support of HB 3958 (EXHIBIT A).
069	Rep. Kruse	Ask if this sets up a separate standard for water-right holders located within a water district.
070	McNitt	Responds it would provide standards if the temporary transfer provisions parallel the transfer permit provisions.
100	Tom Byler	Water Resources Department, (WRD). Submits (EXHIBIT B) in support of HB 3958.
140	Byler	Explains the difference between district and non-district transfers.
156	Rep. Lee	Notes the significant difference is the point of diversion. Questions if any injuries reported.
179	Byler	Responds no. Notes the transfers take place in the district.
Written testimony submitted by Doug Myers (EXHIBIT C).		
212	Chair Jenson	Closes the public hearing on HB 3958 and opens the public hearing on HB 3728.
<u>HB 3728 – PUBLIC HEARING</u>		

221	Chair Jenson	Closes the public hearing on HB 3728 and opens the work session on HB 3341.
<u>HB 3341 – WORK SESSION</u>		
228	Sandy Thiele-Cirka	Administrator. Summarizes HB 3341. Notes SB 31A is a companion bill.
249	Robin Brown	Wildlife Division, Oregon Department of Fish & Wildlife, (ODFW) agency specialist on marine mammal biology. Reviews comments from the March 21 st meeting.
290	Rep. Kruse	Requests clarification of SB 31A.
295	Brown	Responds the bill directs the department to develop a broad-based management plan for marine mammals.
314	Rep. Kruse	Questions if there is specific reference to salmon predation.
331	Brown	Responds one recommendation is to address California sea lions and Harbor seals preying on depressed and recovering salmon stock.
345	Rep. Kruse	States that with the assurance that predation is covered in SB 31A the intent of this legislation is represented.
359	Vice-Chair Leonard	Closes the work session on HB 3341 and opens the work session on HB 3637.

HB 3637 – WORK SESSION

387	Rep. Wayne Krieger	House District 48. Discusses the work group and states that the – 11 amendments replaces the original bill (EXHIBIT D).
433	Rep. Wirth	Express concern that the conservation community is not represented in the amendment.

Tape 103, A

016	Rep. Krieger	Refers to page two, line 25 and states the language was changed from representing to having a background in.
058	Rep. Wirth	Notes concern about the language in subsection c appointing representation in interest areas.
067	Rep. Krieger	Responds that HB 3637 is intended to provide broad representation.
084	Rep. Leonard	Notes that the commission is limited to seven members designated by regions. Refers to the three at large members at large and asks are there seven or ten members on the commission.
095	Rep. Krieger	Responds there are four specific disciplines and three at large members.
107	Chair Jenson	Clarifies proposed commission membership.
161	Chair Jenson	Clarifies that the position of the director is not addressed in the – 11 amendments. This bill allows the Governor to designate the chairperson.
196	Rep. Leonard	Clarifies that the commissioners serve without compensation and asks if the monthly meeting schedule is an issue.
220	Rep. Krieger	Responds the commission has been meeting monthly.
223	Rep. Smith	Comments that many environmentalists have backgrounds in these industries.
260	Rep. Tomei	Questions the disparity in the district populations.
344	Rep. Lee	Questions the timing of the meetings.
380	Chair Jenson	Proposes that the commission be allowed to go back to the three-month guideline to allow for some flexibility.
450	Chair Jenson	Closes the work session on HB 3637 and opens the work session on HB 2788.

HB 2788 – WORK SESSION

Tape 102, B

014 Thiele-Cirka Reviews the HB 2788 -4, -1, -2 and submits the -5 amendments **(EXHIBIT E)**.

038 Kristina McNitt Explains that the latest language states the amendments do not affect a contract entered into before the effective date of the 2001 act.

088 Chair Jenson Questions if including piping as maintenance expands the definition.

090 McNitt Responds this is a matter of interpretation.

099 Rep. Leonard Comments it was explained as a conservation technique.

120 Chair Jenson Questions if the Cyrus's will incur additional maintenance expense.

105 Harrison Conley Deputy Legislative Counsel. Responds no. Explains this is relating to irrigation property. Refers to page 2, Section 11.

139 Chair Jenson Asks what is the fundamental purpose of piping.

155 McNitt Explains piping is one way to make improvements in the water delivery system.

172 Chair Jenson Questions if piping changes the environment.

177 McNitt Responds affirmatively.

174 Rep. Lee Explains that districts are required by federal law to conserve water.

230 Chair Jenson Questions if the department defines piping as maintenance.

246 Tom Byler Water Resources Department (WRD). Responds it could be maintenance on an existing distribution system or it could be new when increasing water distribution.

281 Chair Jenson Questions the advantage of piping.

262 Tom Paul WRD. Responds open canal distribution systems have high losses.

276 Chair Jenson Asks what happens when piping leads to the drying up of wetlands.

284 Paul Responds when a system is upgraded there is an optional review process available.

345 Rep. Lee Provides an example from Walla Walla.

365 Rep. Leonard MOTION: Moves HB 2788 –5 amendments dated 4/23/01.

361 Rep. Kruse Explains he will not support HB 2788 without a further definition of lining and piping regarding maintenance.

385 Rep. Lee Requests clarification of the question.

394 Rep. Kruse Responds it allows the district to lay piping where there is currently a ditch and then access the landowner for the project.

370 Rep. Tomei Questions the location of that language.

400 Rep. Kruse Responds with language location.

426 Rep. King Clarifies everyone in district would be paying for it.

435 Rep. Lee Clarifies that the Cyrus case relates to a private ditch. Explains details.

Tape 103, B

035 Conley Comments his opinion is that where pipeline is added there is currently for pipeline under waterworks.

045 Rep. Wirth Clarifies that the irrigation district is liable and responsible for the maintenance of the ditches and will support the bill on that basis.

060 VOTE: 7-2
AYE: 7 - King, Knopp, Lee, Leonard, Tomei, Wirth, Jenson
NAY: 2 - Kruse, Smith P
Chair Jenson The motion CARRIES.

071	Rep. Leonard	MOTION: Moves HB 2788 to the floor DO PASS AS AMENDED recommendation.
070	Rep. Kruse	Provides vote explanation.
078	Rep. Knopp	Questions if the Cyrus's support the amendments.
086	Chair Jenson	Responds they have some concerns.
101	Rep. Knopp	States he will support the bill but reserves the right to change his vote on the floor.
103		VOTE: 7-2
		AYE: 7 - King, Knopp, Lee, Leonard, Tomei, Wirth, Jenson
		NAY: 2 - Kruse, Smith P
	Chair Jenson	The motion CARRIES.
		REP. LEE will lead discussion on the floor.
117	Chair Jenson	Closes the work session on HB 2788 and adjourns the meeting at 2:40 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 3958, prepared testimony, Kristina McNitt, 2 pp.**
- B. HB 3958, prepared testimony, Tom Byler, 3 pp.**
- C. HB 3958, prepared testimony, Doug Myers, 2 PP.**
- D. HB 3637, -11 amendments dated 4/23/01, Rep. Wayne Krieger, 4 pp.**
- E. HB 2788, -1 amendments dated 2/28/01, -2 amendments dated 3/13/01, -4 amendments dated 4/11/01, -5 amendments dated 4/23/01, staff, 7 pp.**