

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 21, 2001
8:00 am

Hearing Room E
Tape 124

MEMBERS PRESENT: Rep. Betsy Close, Chair
Rep. Laurie Monnes Anderson, Vice-Chair
Rep. Susan Morgan, Vice-Chair
Rep. Mark Hass
Rep. Bob Jenson
Rep. Deborah Kafoury
Rep. Al King
Rep. Jeff Kruse
Rep. Jan Lee

MEMBER EXCUSED:

STAFF PRESENT: Megan Palau, Administrator
Shannon Relaford, Committee Assistant

MEASURE/ISSUES HEARD: HB 948A Work Session
HB 3585 Work Session
HB 2933 Work Session
HB 2016 Work Session
HB 3196 Work Session
SB 417A Work Session
HB 2148 Work Session
SB 872 Work Session
HB 2886 Work Session
HB 3045 Work Session
SB 644A Public Hearing

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 123, A		
003	Chair Close	Convenes meeting at 8:20 a.m., opens a work session on SB 948A.
<u>SB 948A Work Session</u>		
005	Megan Palau	Presents overview of the bill which requires the Department of Environmental Quality to establish community emission reduction credit bank if requested by county commissioners.
020	Rep. Morgan	MOTION: Moves to SUSPEND the rules for the purpose of reconsideration of the vote.
	Chair Close	Hearing no objection declares the motion carries.
030	Rep. Morgan	MOTION: Moves to RECONSIDER the vote by which SB 948A was sent to the floor with a DO-PASS recommendation.

		VOTE: 7-0
		AYE: 7 - Hass, Jenson, Kafoury, King, Lee, Morgan, Close
		EXCUSED: 2 - Kruse, Monnes Anderson
	Chair	The motion CARRIES.
050	Rep. Morgan	MOTION: Moves to ADOPT SB 948A -4 amendments dated 5/21/01.
		VOTE: 7-0
		AYE: 7 - Hass, Jenson, Kafoury, King, Lee, Morgan, Close
		EXCUSED: 2 - Kruse, Monnes Anderson
	Chair Close	The motion CARRIES.
055	Rep. Morgan	MOTION: Moves SB 948A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
		AYE: 7 - Hass, Jenson, Kafoury, King, Lee, Morgan, Close
		EXCUSED: 2 - Kruse, Monnes Anderson
	Chair	The motion CARRIES.
		REP. KING will lead discussion on the floor.
060	Chair Close	Closes the work session on SB 948A and opens a work session on HB 3585.
		MOTION: Moves HB 3585 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
075	Rep. Morgan	Hearing no objection, declares the motion CARRIES.
	Chair	
080	Chair Close	Closes the work session on HB 3585 and opens a work session on HB 2933.
		MOTION: Moves HB 2933 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
090	Rep. Morgan	Hearing no objection, declares the motion CARRIES.
	Chair	
095	Chair Close	Closes the work session on HB 2933 and opens a work session on HB 2016.
		MOTION: Moves HB 2016 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
100	Rep. Morgan	Hearing no objection, declares the motion CARRIES.
	Chair	
105	Chair Close	Closes the work session on HB 2016 and opens a work session on HB 3196.
		MOTION: Moves HB 3196 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
110	Rep. Morgan	Hearing no objection, declares the motion CARRIES.
	Chair	
120	Chair Close	Closes the work session on HB 3196 and opens a work session on SB 417A.
		MOTION: Moves SB 417A to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
125	Rep. Morgan	Hearing no objection, declares the motion CARRIES.
	Chair	

130	Chair Close	Closes the work session on SB 417A and opens a work session on SB HB 2148.
<u>HB 2148 Work Session</u>		
145	Rep. Morgan	MOTION: Moves HB 2148 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
	Chair	Hearing no objection, declares the motion CARRIES.
150	Chair Close	Closes the work session on HB 2148 and opens a work session on SB SB 872.
<u>SB 872 Work Session</u>		
155	Rep. Morgan	MOTION: Moves SB 872 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
	Chair	Hearing no objection, declares the motion CARRIES.
160	Chair Close	Closes the work session on SB 872 and opens a work session on HB 2886.
<u>HB 2886 Work Session</u>		
165	Rep. Morgan	MOTION: Moves HB 2886 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
	Chair	Hearing no objection, declares the motion CARRIES.
170	Chair Close	Closes the work session on HB 2886 and opens a work session on HB 3045.
<u>HB 3045 Work Session</u>		
175	Rep. Morgan	MOTION: Moves HB 3045 to the full committee on Rules Redistricting and Public Affairs without RECOMMENDATION to passage.
	Chair	Hearing no objection, declares the motion CARRIES.
180	Chair Close	Closes the work session on HB 3045 and opens a public hearing on SB 644A.
<u>SB 644A Public Hearing</u>		
183	Palau	Committee Administrator, presents overview of the bill which permits Water Resources Commission to establish, by rule, expedited notice and waiting period requirements for substitution of supplemental ground water right for primary water right during drought.
200	Rep. Jenson	Requests Kristina McNitt to clarify the amendments.
205	Kristina McNitt	Oregon Water Resource Congress, presents testimony in explanation of the amendments. (EXHIBIT A)
260	Rep. King	Asks about the other amendments and if there are concerns.
270	McNitt	Presents her understanding of the amendments and the figures in the amendments.
295	Rep. King	Follows with more questions on the –A9 amendments.
317	McNitt	Concurs with the statements, and clarifies that it is not just in the Klamath area but could be statewide.
319	Rep. King	Asks if the bonding elements were for non-district irrigators would that eliminate her concerns.
325	McNitt	States she would prefer to have the department address the question.
330	Tom Byler	Oregon Water Resources Department, states the department will not support the –A9 amendments.
377	Rep. Lee	Comments on the costs of fertilization and losses of crops
391	Richard Koesan	Presents explanation of the amendments and testimony in support

420	Rep. Jenson	of the bill.
430	Chair Close	Suggests combining the –A9 amendments with HB 3958.
444	Rep. Jenson	States the amendment was drafted for this bill and the author of the bill has signed a letter asking for the amendment.
450	Chair Close	States the Governor will veto this bill.
		Closes public hearing and adjourns meeting at 8:55 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

A – SB 644A amendments, written testimony, staff, 55 pp.

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

May 21, 2001
3:00 p.m.

Hearing Room C
Tapes 125 & 126

MEMBERS PRESENT: Rep. Betsy Close, Chair
Rep. Laurie Monnes Anderson, Vice-Chair
Rep. Susan Morgan, Vice-Chair
Rep. Mark Hass
Rep. Bob Jenson
Rep. Deborah Kafoury
Rep. Al King
Rep. Jeff Kruse
Rep. Jan Lee

MEMBER EXCUSED:

STAFF PRESENT: Megan Palau, Administrator
Shannon Relaford, Committee Assistant

MEASURE/ISSUES HEARD: HB 644A Work Session
HB 2010 Work Session

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 125, A		
003	Chair Close	Convenes meeting at 3:10 p.m., opens a public hearing on SB 644A.
<u>SB 644A Public Hearing</u>		
005	Megan Palau	Presents overview of the bill which permits Water Resources Commission to establish, by rule, expedited notice and waiting period requirements for substitution of supplemental ground water right for primary water right during drought.
030	Brendan McCarthy	Legislative Counsel, presents explanation of the amendments. (EXHIBIT A)
250	Rep. Lee	Asks about the purpose of section 10 of the -13 amendment.
260	McCarthy	Explains the sunset clause in the bill.
275	Rep. Lee	Further requests explanation of the amendment and the affect on the Klamath Basin.
290	McCarthy	Reiterates the explanation of the changes and states he cannot answer as to the affect on the Klamath Basin.
300	Chair Close	Closes the public hearing on SB 644A and opens a work session on SB 644A.
<u>SB 644 A Work Session</u>		
305	Rep. Morgan	MOTION: Moves to ADOPT -A5 and -A13 amendments dated 5/21/01.
310	Rep. Kruse	Expresses his concern that the rights of water right holders

315	McCarthy	outside the district are protected.
325	Tom Byler	States he's not sure. Oregon Department of Water Resources Department, explains the injury provision pertaining to any water right holders inside or outside the district.
340	Rep. Kruse	States he just wanted to make sure there would be no changes to the standards.
	Chair	Hearing no objection, declares the motion CARRIED.
350	Rep. Morgan	MOTION: Moves SB 644A as amended to the floor with a DO PASS recommendation.
355	Rep. Monnes Anderson	Asks why there is no sunset provision in the amendments.
365	Rep. Jenson	Explains why the sunset provision was removed. VOTE: 8-0 AYE: 8 - Hass, Jenson, Kafoury, Kruse, Lee, Monnes Anderson, Morgan, Close EXCUSED: 1 - King The motion CARRIES. REP. JENSON will lead discussion on the floor.
375	Chair Close	Closes work session on SB 644A and opens a work session on HB 2010.
<u>HB 2010 Work Session</u>		
400	Dexter Johnson	Legislative Counsel Office, presents summary of the amendments. (EXHIBIT B)
425	Rep. Morgan	Asks for further explanation of the -11 amendments.
430	Johnson	Further explains the -11 amendments.
450	Paul Warner	Legislative Revenue Office, explains the revenue statement.
Tape 126 Side A		
040	Chair Close	Asks how will the administrative costs be determined.
050	Warner	Replies the Department of Revenue will provide those administrative costs.
060	Rep. Hass	Asks what amount would be used for actual clean up.
070	Warner	Replies the \$3.4 million plus the costs of administration would come off the top and the remainder would be used for clean up.
080	Rep. Hass	Asks if the schools will be made whole again, but the local governments would not.
090	Warner	Concurs.
100	Rep. Hass	Asks if this can be done through statute and not the constitution.
105	Johnson	Replies yes, and provides explanation.
125	Warner	Adds to the explanation.
135	Rep. Hass	Asks about the fairness of the appraisal process.
145	Warner	Addresses the properties and what will happen to their values.
165	Johnson	Addresses the real market value issues.
180	Warner	States the properties do not turn over, so the appraisal is a different sort.
190	Laurie Wimmer Whelan	Oregon Education Association, presents testimony and suggests changes to the amendments.
260	Patricia O'Sullivan	Portland Public School District, requests clarification of the amendments, states they are not clearly worded.
285	Rep. Morgan	MOTION: Moves to ADOPT -10, -11 amendments dated 5/21/01.
290	Rep. Kafoury	Asks if in the amendments the public schools are held harmless, but the other jurisdictions are contributing to the fund.

300	John DiLorenzo	Portland Harbor Cleanup Counsel, states that is his understanding, continues with explanation of the funding.
340	Rep. Kafoury	Asks for clarification, if he meant the City of Portland or the Portland Public Schools.
345	DiLorenzo	Replies he meant the Portland Public Schools and continues with an explanation of what the losses and benefits will be.
360	Rep. Kafoury	Asks about the City of Portland being a player in the plan and what will happen to Multnomah County.
365	DiLorenzo	Explains why Multnomah County was excluded and continues with explanation of the rationale used by the work group.
370	Rep. Kafoury	Asks if there are studies that show how much of the pollution dates back to World War I.
400	DiLorenzo	Replies he cannot say.
405	Rep. Kafoury	Asks if the privilege tax would not take affect until some studies would be done.
420	DiLorenzo	Replies the privilege tax would take affect right away.
430	Rep. Kafoury	Asks how they came up with the \$10 million figure.
432	DiLorenzo	Replies the plan was to raise \$30 million over the years to fund the project, the plan is to increase the \$10 million to the amount needed.
		VOTE: 8-1
		AYE: 8 – Hass, Jenson, Kafoury, Kruse, Lee, Monnes Anderson, Morgan, Close
		EXCUSED: 1-King
	Chair	The motion CARRIES.
435	Rep. Morgan	MOTION: Moves HB 2010 to the floor with a DO PASS AS AMENDED recommendation.
440	Rep. Hass	States he will not support the bill.
445	Rep. Monnes Anderson	States she would have preferred an analysis of the pollutants and she will not support the bill.
450	Rep. Kafoury	States she will not support the bill.
460	Rep. Jenson	States he will support the bill today but may not support it on the floor.
	Tape 125 Side B	
005	Rep. Kruse	States he will support the bill here and on the floor.
050	Rep. Lee	States she will support the bill.
060	Chair Close	States she will support the bill.
		VOTE: 5-3
		AYE: 5 - Jenson, Kruse, Lee, Morgan, Close
		NAY: 3 - Hass, Kafoury, Monnes Anderson
		EXCUSED: 1 - King
	Chair	The motion CARRIES. Speaker Simmons will lead the discussion on the floor.
080	Rep. Hass	Serves notice of a possible Minority Report.
090	Rep. Kafoury	States she will be joining Rep. Hass on the Minority Report.
	Chair Close	Adjourns the meeting at 4:25 p.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Administrative Support

Megan Palau,
Administrator

EXHIBIT SUMMARY

A – SB 644A amendments, written testimony, staff, 12 pp.

B – HB 2010 amendments, written testimony, staff 28 pp.