

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes - 75

MEMBERS PRESENT:

Rep. Chuck Norris, Chair
Rep. Tim Josi, Vice-Chair
Rep. Avel Gordly
Rep. Veral Tarno

MEMBER EXCUSED:

Rep. Jim Welsh

STAFF PRESENT:

Pat Zwick, Committee Administrator
Gail E. Boesch, Committee Assistant

MEASURES HEARD:

HB 3441 - Work Session
SB 54A - Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

004 CHAIR NORRIS: Calls the meeting to order at 2:02 PM.

Opens the Work Session On HB 3441

049 STAFF: Presents the -1 amendments to HB 3441, Exhibit A..

100 GIL RIDDELL, ASSOCIATION OF OREGON COUNTIES: Submits Exhibit B, and reads from it, discussing HB 3441, and supporting the designation of counties as the entity set out to designate or form the local watershed council.

- Offers two amendments.(Exhibit B, page 2).

166 REP. TARNO: Shares that his constituents are concerned about not being included in this legislation.

- Offers amending language to AOC's 2nd amendment, including urban growth boundary

208 REP. GORDLY: Questions Mr. Riddell's assertion that the cities express fear of loss of input into this process.

215 RIDDELL: The city representatives will testify about that later.

230 REP. GORDLY: Questions if "this model would fit every single county".

243 RIDDELL: Comments that it's in the self interest of the county government to do this right.
Discussion of "local governments".

280 CHAIR NORRIS: Suggests grandfathering clause. Calls for sense of "wide openness".

330 TOM O'CONNOR, EUGENE WATER & ELECTRIC BOARD: Testifies in opposition to amendments proposed by AOC, Exhibit B. Supports retention of the current language in statute, reads that language. "A simple, concise way of allowing local initiative".
- Discusses language of HB 2215 (1993 Session).

396 JONI LOW, LEAGUE OF OREGON CITIES: Supports the concept of HB 3441; opposes the amendments proposed by AOC. Does not speak to the need of maintaining a flexible program.
- Don't see anything wrong with the current process. Submits Exhibit C.

TAPE 75,A

012 KEVIN HANWAY, SPECIAL DISTRICTS ASSOCIATION: Agrees with previous witnesses, does not support AOC amendments.
- Comments about Rep. Tarno's amending language, and rural irrigation districts.

028 SUSAN SCHNEIDER, CITY OF PORTLAND: The issue is who does designate these local councils; the county is not the entity. Local governments go through problems, original language forces them to get together and work things out.

052 Discusses section 1,(6), "a local government group as convened".

069 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Submits Exhibit D.
"The county shall coordinate with the major water suppliers of the county to assure that representatives of major suppliers participate."

109 DOUG MYERS, WATERWATCH: Really prefers the original language, or as a second choice, the city amendments as suggested by Ms. Schneider.
- Prefers HB 2215.

140 LOUISE BILHEIMER, PACIFIC RIVERS COUNCIL: Testifies, 2 major things to remember; two key issues - a bottom up approach, and building in as much flexibility as possible. Perceives limitation to just counties as reducing flexibility. Keep it as open a process, all inclusive, as possible.

206 PETE TEST, OREGON FARM BUREAU FEDERATION: Agrees that simplicity is important. Supports the county's amendments (Exhibit B).

250 - Discusses the potential for county/city disputes.

265 CHAIR NORRIS: Questions if there has been a proliferation of requests to form local watershed councils by folks who were not able to do it.

285 MARY LOU SOSCIA, WATER RESOURCES DEPARTMENT: Responds, doesn't recollect any inappropriate groups trying to form a local watershed council. Need sanction of local governments to make groups work.

316 REP. TARNO: Do you see a problem such as power play going on between

smaller watershed councils and overlapping jurisdiction.

330 SOSCIA: Definitely an issue of scale exists; discusses the lower Rogue
basin; Rogue basin steering committee.
- Have to encourage local governments to work together to achieve effective
watershed councils.

380 REP. GORDLY: Sounds like what has evolved, has evolved logically.

385 SOSCIA: Responds in agreement.

CHAIR NORRIS: Requests that Ms. Schneider reread her amending language.

TAPE 74, B

005 SCHNEIDER: Rereads the amendment.

008 CHAIR NORRIS: Questions if Mr. Riddell is comfortable with language of
amendment regarding "as convened by the county".

011 RIDDELL: Prefers his own amendment. Would group have to reconvene to
generate an appointment to fill a vacancy; talking about an additional
process that counties don't think is necessary.

020 CHAIR NORRIS: City is talking about local groups convened by the county;
you're talking about local governments the county can delegate to. Where do
the lines meet?

033 SCHNEIDER: No one gets cut out of the process by our amendments.

040 CHAIR NORRIS: Suggests "with concurrence" to allow for involvement by
the county and the cities.

053 SCHNEIDER: If you're talking about any local government designating a
watershed council with the approval of the county, too much like getting
permission. Want coordination and partnership among the local governments.

071 O'CONNOR: Clarifies that his suggestion was for coordination.

077 CHAIR NORRIS: Goes to the board, to diagram his ideas and to clarify.

103 SCHNEIDER: Joins him at the board, to clarify her concerns.

114 RIDDELL: Shares his concerns, feels that Ms. Schneider was arguing for
his position.

131 - Basically would agree to Tom O'Connor's suggestion.

137 CHAIR NORRIS: (3:10 pm) Recesses the meeting till 3:30 PM to allow the
city and county representatives to come to a consensus on amending language
for HB 3441.

Reconvenes the meeting at 3:38 PM.

142 SCHNEIDER: Submits agreed-upon amendments to HB 3441. If there are
multiple watershed councils in the county, all those councils shall
periodically advise the county of their progress . I am assuming current

watershed councils will be grandfathered in.

186 CHAIR NORRIS: Correct. Proposes phrasing regarding grandfathering in existing watershed councils.

200 SCHNEIDER: Perhaps LC could be instructed to conform bill to intent.

201 CHAIR NORRIS: Disagrees; will plan to have this back Tuesday, due to REP WELSH's absence.

224 Closes the Work Session on HB 3441
Opens the Public Hearing on SB 54A
Witnesses: Jerry Schmidt, Oregon Association of Realtors
Martha Pagel, Water Resources Department

235 JERRY SCHMIDT, OREGON ASSOCIATION OF REALTORS: Submits Exhibit E, and testifies in support of SB 54A

300 -Discusses a deletion he would like to see prior to passage (Exhibit E, page 2). Discusses Parrett Mountain. Need to allow due process.

332 REP. GORDLY: Who are the opponents and what is their objection?

340 SCHMIDT: WRD doesn't want removal of bracketed language.

350 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits Exhibit F, and testifies regarding the one point of contention regarding the removal of existing statutory language that makes a classification or reclassification

applicable to exempt groundwater users that begin use after the classification or reclassification has been adopted by the Commission.
(Quoted from Exhibit F, page 2, Summary)

TAPE 75, B

021 PAGEL: Urges restoration of current language.

043 SCHMIDT: Whether or not WRD should usurp land use authority, land does come with water;

075 REP. JOSI: Questions about guidelines before water restrictions are imposed.

(REP. TARNO exits, 4:01 PM)

086 SCHMIDT: Discusses Parrett Mountain. Expresses concerns about what will happen after Ms. Pagel is no longer director of WRD.

127 REP. JOSI: You haven't convinced me.

Discussion follows.

173 CHAIR NORRIS: Is there any middle ground?

177 SCHMIDT: No, we've been arguing this for a long time and remain diametrically opposed. The Committee will have to sort this one out.

195 REP. JOSI: Comments, the Governor will step in.

204 PAGEL: Responds. A Basin planning option gives us something in between.

Maintains that due process does exist fully for those whose water is denied.

255 Closes the Public Hearing on SB 54A.

ADJOURNS the meeting at 4:15pm.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 3441, Proposed -1 Amendments -- Staff -- 10 pages
B - Testimony on HB 3441 -- Gil Riddell, Association of Oregon Counties -- 2
pages
C - Testimony on HB 3441 -- Joni T. Low, League of Oregon Cities -- 1 pages
D - Testimony on HB 3441 -- Oregon Water Resources Congress -- 4 pages
E - Testimony on SB 54 -A -- Jerry Schmidt, Oregon Association of Realtors
-- 2 pages
F - Testimony on SB 54-A -- Martha Pagel, Water Resources Department -- 1
page