

HOUSE COMMITTEE ON  
WATER POLICY

Hearing Room  
Tapes - 79

MEMBERS PRESENT:

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

STAFF PRESENT:

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

MEASURES HEARD:

HB 2422 - Work Session  
HB 2375 - Work Session  
HB 3100 - Work Session  
HB 2889 - Work Session  
HB 3225 - Work Session  
HB 2754 - Work Session

HB 3091 - Work Session

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: 04 PM.

Opens the Work Session on HB 2422

028 STAFF: Introduces -2 and -3 amendments, Exhibit A.

043 CHAIR NORRIS: Recesses the Work Session on HB 2422  
Opens the Work Session on HB 2375

MOTION: REP. JOSI: Moves -5 amendments to HB 2375, BE ADOPTED. (Exhibit B)

CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. JOSI: Moves HB 2375, AS AMENDED, be sent to the Floor with a  
DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

CHAIR NORRIS: The motion CARRIES.

REP. NORRIS will lead the discussion on the Floor.

094 CHAIR NORRIS: Closes the Work Session on HB 2375  
Opens the Work Session on HB 3100.

129 MOTION: REP. TARNO: Moves the -3 amendments to HB 3100, BE ADOPTED.  
(Exhibit C)

CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

MOTION: Moves HB 3100, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. TARNO, WELSH & NORRIS vote AYE; REPS. GORDLY AND JOSI vote NO.

CHAIR NORRIS: The motion CARRIES.

REP. DENNY JONES will lead the discussion on the Floor.

143 CHAIR NORRIS: Closes the Work Session on HB 3100.  
Reconvenes the Work Session on HB 2422

155 REP. TARNO: Reads correspondence from Martha Pagel, Water Resources Department regarding HB 2422.

166 CHAIR NORRIS: I want the legislative record to show that Section 4 would relieve the board and the Department from taking money out of the current budget for the Department; would have to be a separate appropriation for the Emergency Board.

170 REP. TARNO: Will need a subsequent referral to Ways & Means.

190 CHAIR NORRIS: Discusses. Expresses concerns about Watershed Health funds being tapped by this bill.

200 MOTION: REP. TARNO: Moves the - 3 amendments to HB 2422, BE ADOPTED.

CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

REP. GORDLY: Wants a report back to committee from Ways & Means.

MOTION: REP. TARNO: Moves HB 2422, AS AMENDED, be referred to the Committee on Ways and Means.

VOTE: In a roll call vote, all members are present and vote AYE.

222 Closes the Work Session on HB 2422  
Opens the Work Session on HB 2889

240 STAFF: Notes that she has just received -5 amendments and a hand engrossed version from Elizabeth Florio (Exhibit D).

CHAIR NORRIS: Recesses Work Session on HB 2889  
Opens Work Session on HB 2889

338 STAFF: Discusses the -5 amendments, regarding the basinwide standard and flow rate & duty.

362 TODD HEIDGERKEN, WATER FOR LIFE: Believes the -5 amendments were

submitted by WRD, may be somewhat different from hand engrossed version.

380 CHAIR NORRIS: Recesses Work Session on HB 2889.

386 Opens the Work Session on HB 3091

TAPE 79, A

002 CHAIR NORRIS: Reads the summary from HB 3091, and discusses the new language.

018 - Notes that WRD is not supportive of this bill.

General discussion.

045 REP. GORDLY: Comments on Umatilla Indian testimony given by John Bevis, last meeting. Will vote no on bill.

057 REP. TARNO: Not convinced that a hydraulic connection can actually be shown.

MOTION: REP. WELSH: Moves HB 3091 be sent to the Floor with a DO PASS recommendation.

070 REP. JOSI: Requests a few minutes to reexamine bill before the vote. Discusses, and clarifies for his own understanding, by discussing with Chair Norris.

110 VOTE: In a roll call vote, REP'S. JOSI, TARNO, WELSH AND NORRIS vote AYE; REP.GORDLY votes NO.

115 CHAIR NORRIS: The motion CARRIES.

REP. NORRIS will lead the discussion on the Floor.

142 CHAIR NORRIS: Closes the Work Session on HB 3091  
Opens the Work Session on HB 2889

150 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Discusses the -5 amendments, notes that the Department is generally in agreement; Warns that there is a fiscal impact to the Department.

- Needs clarity on what kind of review we are talking about.

180 HEIDGERKEN: Submits and discusses a hand-engrossed version of HB 2889. Notes that they have not had a chance to fully discuss changes with WRD.

200 - Page 3, contrasts WRD amendments with theirs; discusses substantial evidence - change it to verifiable, that stands up to peer review.  
- Discusses other differences from -5 amendments.

244 PAGEL: We need to know what the problem is we're trying to solve; still not clear.

- Have to continue to oppose these changes.

283 CHAIR NORRIS: There is not more time, the Chair will have to deal with this. Generally says that we'll have to limit our discussion to the -5 amendments.

300 REP. GORDLY: Notes concerns regarding Ms. Pagel's alert regarding fiscal impact.

311 REP. TARNO: Further discusses fiscal impact; directs question to Ms. Pagel.

330 PAGEL: Explains fiscal impact potential in relation to rule review discussed in amendments.

350 - Notes which provisions of amendment will not accrue a fiscal impact.

363 CHAIR NORRIS: Tries out language to tie up review with the triennial review, which already is required.

379 HEIDGERKEN: A couple issues, this is stemming from adoption of groundwater limited areas in the Willamette Basin; Two year review is to specifically review the rulings of this.

- Calls attention to hand-engrossed version of HB 2889, line 27, page 3.

TAPE 78, B

029 CHAIR NORRIS: Do you think in its present wording, the bill will have to go to Ways & Means?

034 PAGEL: Would like to say no, but I believe the language involving the rule review is going to affect staffing. Would have to rewrite groundwater rules; willing to do that, but there will be a cost.

060 REP. TARNO: Questions how often do you think you will have to address an appeal.

065 PAGEL: Responds, compares the proposed review process with the current triennial review.

095 PAGEL : Suggests amendment (to the amendment), line 23, strike "determine whether the restrictions should continue".

109 MOTION: REP. TARNO: Moves the conceptual amendments to HB 2889, BE ADOPTED.

CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. TARNO: Moves HB 2889, as amended to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. JOSI, TARNO, WELSH & NORRIS vote AYE; REP. GORDLY votes NO.

CHAIR NORRIS: The motion CARRIES.

REP. TARNO will lead the discussion on the Floor.

145 CHAIR NORRIS : Closes the Work Session on HB 2889  
Opens the Work Session on HB 3225.

160 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Submits testimony, and reads it, offering amending language to HB 3225. on line 10 of the -1 amendments. (Exhibit E)

230 CHAIR NORRIS: Clarifies the insertion of the amendments into HB 3225.

(Exhibit G)

240        PAGEL : Notes no discrimination against nursery operations, elaborates.

          MOTION: REP. TARNO: Moves the -1 amendments as conceptually amended, BE ADOPTED.

270        CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

285        MOTION: REP TARNO: Moves HB 3225, AS AMENDED, to the Floor with a DO PASS recommendation.

          REP. GORDLY will lead the discussion on the Floor.

315        CHAIR NORRIS: Closes the Work Session on HB 3225.

326        Opens the Work Session on HB 2754.

340        STAFF: Introduces -2 amendments and hand engrossed version of the bill.

375        CHAIR NORRIS: Questions whose amendments these are.

387        KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Comments that he is not sure OWRC can support the amendments, notes that they were the -11 amendments to SB 674.

TAPE 79, B

004        CHAIR NORRIS: Discusses SB 674 and the relation to HB 2754; this amendment was to accomodate amendments removed from SB 674.

030        RICHARD KOSESAN WATER FOR LIFE: Discusses amendments to SB 674, and those aspects that Water For Life opposed on the Senate side.

057        HEIDGERKEN: Suggests all three amendments in one piece of legislation, instead of splitting them up.

          - instream water rights.

          Discussion ensues comparing SB 674 to HB 2754,

089        MOTION: REP. TARNO: Moves the -2 amendments to HB 2754, BE ADOPTED.

          CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

          MOTION: REP. TARNO: Moves HB 2754, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

          VOTE: In a roll call vote, REPS. TARNO, WELSH & NORRIS vote AYE; REPS. GORDLY AND JOSI vote NO.

          CHAIR NORRIS: The motion CARRIES.

          REP. TARNO will lead the discussion on the Floor.

          CHAIR NORRIS: Closes the Work Session on HB 2754

          REP TARNO: Compliments Martha Pagel, Director, Water Resources Department.

          ADJOURNS the meeting at 3:38 PM.

          Submitted by,    Reviewed by,

Gail E. Boesch Pat Zwick  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - HB 2422, Proposed Amendments , -2 and -3 -- Staff -- 4 pages
- B - HB 2375, Hand engrossed with -5 amendments -- Staff -- 3 pages
- C - HB 3100, Hand engrossed with -3 amendments -- Staff - 6 pages
- D - HB 2889, Proposed Amendments, -5 -- Elizabeth Florio -- 1 page
- E - Testimony on HB 3225 -- Kip Lombard, Oregon Water Resources Congress --  
2 pages
- F - HB 3225, Proposed Amendments, -1 -- Staff -- 2 pages
- G - HB 2754, Hand engrossed with -2 amendments -- Staff -- 3 pages