

HOUSE COMMITTEE ON NATURAL RESOURCES

March 4, 1993 Hearing Room D 4:00 p.m. Tapes 18 - 19

MEMBERS PRESENT: Rep. Carl Hosticka, Vice-Chair Rep. Marilyn Dell Rep.
Bill Fisher Rep. Tim Josi Rep. Dennis Luke Rep. Bill Markham Rep. Chuck
Norris Rep. Bob Repine Rep. Liz VanLeeuwen

MEMBER EXCUSED: Rep. Ray Baum, Chair Rep. Sam Dominy Rep. Nancy
Peterson

VISITING MEMBER:

STAFF PRESENT: Kathryn Van Natta, Committee Administrator
Catherine Fitch, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED: Work Session

- HB 2344 - HB 2398 - HB 2346

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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. [--- Unable To Translate
Graphic ---]

TAPE 18, SIDE A

010 OPENS WORK SESSION ON HB 2344

005 VICE-CHAIR HOSTICKA: Calls the meeting to order at 4:06 p.m.

021 CATHERINE FITCH, Committee Administrator: Current law
prohibits the issue of water rights on state scenic waterways except
when established flow rates are met. This bill would allow the
Water Resources

Department to grant water rights for necessary human and livestock usage
in de minimis quantities when established flow rates are not met.

036 MOTION: REP. NORRIS: Moves HB 2344 to the floor with a DO
PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE HB 2344-5 AMENDMENTS,
LC

203, dated 2-26-93, by the Subcommittee on Water.

041 VICE-CHAIR HOSTICKA: Restates motion and calls for discussion.

045 REP. NORRIS: This is an improvement over last session's version

by the deletion of a "limited license" and the addition of an actual water

right. The Parks and Recreation Department studies show that in many cases, most streambank areas are privately owned, and this bill would legitimize their minimal usage of these streams.

074 VICE-CHAIR HOSTICKA: I voted no on this in the Water Subcommittee primarily because of my concern with "combined cumulative total of one

percent per month of average monthly flows" on Page 3 of the -5 amendments. These water rights will have a significant impact on river flow when the actual flow is much less than the average flow, so we could end up with the total de minimis usage up to five to ten percent of the actual flow in exceedingly dry years.

099 REP. JOSI: That was discussed in subcommittee. What we're really talking about is using no more than .005 cubic feet per second at any

given time. To illustrate the amount of water involved, a sprinkler head can irrigate an area with a radius of 28 feet with five gallons per minute, which is considerably more than the amount in HB 2344.

118 REP. MARKHAM: It won't be a continuous drag on river during dry season because the department says they do allow storage.

129 VOTE: In a roll call vote, REPS. DELL, DOMINY, FISHER, JOSI, LUKE, MARKHAM, NORRIS, REPINE, and VanLEEUEWEN vote AYE.
VICE-CHAIR

HOSTICKA votes NO. CHAIR BAUM AND REP. PETERSON are EXCUSED.

135 VICE-CHAIR HOSTICKA: The motion CARRIES. REP. NORRIS will lead discussion on the floor.

137 CLOSING WORK SESSION ON HB 2344

OPENS WORK SESSION ON HB 2398

143 FITCH: Explains HB 2398, which creates crimes for the Unauthorized Use of Livestock punishable as a Class A misdemeanor, and the crime of

Interference with Livestock Production as a Class A misdemeanor or a Class C felony.

160 REP. DOMINY: Is this similar to a bill introduced last session which died in the senate?

162 FITCH: Yes. That bill was amended to include crimes for

interference at medical facilities.

166 REP. JOSI: Questions Section 2 (4), which states "or any other act not authorized by the livestock production facility". What does that mean?

We may end up having a livestock production facility acting as judge and jury regarding conduct.

188 REP. DELL: I agree with the concept of this bill, but I do not want it to go to the floor with legal problems. Questions meaning of "intent"

in Section 2 (3) which states "with an intent to destroy...". Also questions "false pretenses" used in Section 2 (4). Why was this included in the bill?

221 REP. VanLEEuwEN: An individual could pretend to be an inspector and enter a facility.

241 REP. LUKE: An individual could have permission to be at a facility, but may also be there under false pretenses.

248 REP. DELL: But if someone is there with the intent to break any of these rules, law enforcement will not care if they are there under false pretenses. It's immaterial what the pretense is. I suspect the intent of the bill will carry it through to the floor.

278 VICE-CHAIR HOSTICKA: It states "or" at the end of Line 28. The crime as stated in Section 2 (4) is obtaining access "for the purpose of

performing any act". It doesn't require a person to necessarily perform any act. If there are problems on the floor, it can be referred to

Judiciary.

292 REP. JOSI: I would prefer not to be the carrier for this bill.

293 VICE-CHAIR HOSTICKA: We will ask Rep. Shiprack if he would like to carry this bill, since it was filed at his request.

304 MOTION: REP. JOSI: Moves HB 2398 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY HB 2398-2 AMENDMENTS, LC 172 8, dated 2-25-93, by the Subcommittee on Agriculture and Forestry.

310 VICE-CHAIR HOSTICKA: Restates motion and calls for discussion.

317 VOTE: REPS. DELL, DOMINY, FISHER, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEuwEN, and VICE-CHAIR HOSTICKA vote AYE. CHAIR BAUM and REP. PETERSON are EXCUSED.

323 VICE-CHAIR HOSTICKA: The motion CARRIES. We will ask Representative Shiprack whether he will carry the bill.

325 CLOSSES WORK SESSION ON HB 2398

OPENS WORK SESSION ON HB 2346

337 MOTION: REP. NORRIS: Moves HB 2346 to the floor with a DO PASS RECOMMENDATION as recommended by the Subcommittee on Water.

340 VICE-CHAIR HOSTICKA: Restates motion and calls for discussion.

341 REP. NORRIS: This bill is also making its third attempt. It is a simple policy statement requiring that the storage of water should be a high priority item in planning and management. During the past interim, the Water Resources Department developed rules on water storage and

allocation. Has concerns regarding Section 1 (2), Line 14, which contains the word "multipurpose" regarding water storage facilities. At some point, we should encourage storage for the sole purpose of storage for later use. The storage of water is inherently multipurpose.

377 REP. FISHER: Questions "environmentally acceptable" term In Section 1 (2), Line 14.

397 REP. NORRIS: That was a concession I made to make the bill more palatable.

402 MOTION: REP. NORRIS: Moves to SUSPEND THE RULES to AMEND HB 234 6 to remove the word "multipurpose" from Section 1 (2), Line 14.

404 VICE-CHAIR HOSTICKA: Restates motion and calls for discussion.

416 REP. VanLEEUEWEN: OBJECTS to MOTION. States concern that retaining the word "multipurpose" allows flexibility for water usage.

445 Discussion of new committee/subcommittee rules.

473 VICE-CHAIR HOSTICKA: MOTION has FAILED without UNANIMOUS CONSENT by the committee.

476 REP. NORRIS: WITHDRAWS the MOTION to AMEND HB 2346 to remove the word "multipurpose" from Section 1 (2), Line 14.

485 VICE-CHAIR HOSTICKA: Removing the word may improve the bill, but retaining it does not defeat the purpose of most practical applications.

491 REP. NORRIS: I will accept the ruling of the Chair and desire of the committee members.

TAPE 19, SIDE A

056 REP. VanLEEUEWEN: Item #6 in the rules states that the vote of seven members in the full committee meetings are required to table or amend a measure.

061 KATHRYN VAN NATTA, Committee Administrator: It was the intent of the rules that no substantive changes be made in the full committee.

However, the committee can vote to suspend the rules to amend a measure with a majority vote. This could be viewed as a technical amendment,

which would allow suspension of the rules for a majority vote.

077 VICE-CHAIR HOSTICKA: A technical reading of the rules would allow us to amend by a majority vote. However, if we do so, we are creating common

law and I would prefer we do that in the presence of the Chair. I would not want to establish precedence in order to ensure that protocol is handled correctly. Changing the words "environmentally acceptable" would be a substantive amendment. Changing the word "multipurpose" would be a technical amendment.

184 MOTION: REP. DOMINY: Moves to refer HB 2346 back to the Subcommittee on Water.

090 VICE-CHAIR HOSTICKA: Restates motion and calls for discussion.

091 REP. VanLEEUEWEN: Would you be willing to accept removing the words beginning with "environmentally" and ending with "multipurpose"?

094 VICE-CHAIR HOSTICKA: I believe that is a substantive amendment.

103 REP. DOMINY: These two changes merit further discussion in the subcommittee. Apparently these issues were never debated in the

subcommittee.

110 REP. NORRIS: I would agree to accepting the bill as is. Perhaps Senator Dwyer would agree to the elimination of "multipurpose" when the measure is on the senate side. I had agreed to the term

"environmentally acceptable" to reach a consensus among polarized parties.

124 VOTE: REPS. DOMINY and, MARKHAM vote AYE. REPS. DELL, FISHER, JOSI, LUKE, NORRIS, REPINE, VanLEEUEWEN, and VICE-CHAIR HOSTICKA vote NO. CHAIR BAUM AND REP. PETERSON are EXCUSED.

131 VICE-CHAIR HOSTICKA: The motion FAILS. We still have the bill before us.

133 REP. JOSI: What type of a motion would it take to remove the word "multipurpose"?

135 VICE-CHAIR HOSTICKA: My ruling is that it would take the unanimous consent of the committee. Chair Baum might make another ruling.

145 MOTION: REP. JOSI: Moves UNANIMOUS CONSENT to SUSPEND THE RULES to remove the word "multipurpose" from HB 2436.

VICE-CHAIR HOSTICKA: Restates motion and calls for discussion.

Usually if a motion is defeated, you cannot make the same motion again

until the committee has done something else. We took action on Rep. Dominy's motion to re-refer the bill to subcommittee.

157 REP. REPINE: OBJECTS to MOTION.

158 VICE-CHAIR HOSTICKA: The motion FAILS without UNANIMOUS CONSENT. Calls for the vote on the original motion to move HB 2346 to the floor.

161 VOTE: REPS. DELL, FISHER, JOSI, LUKE, NORRIS, REPINE, VanLEEuwEN and VICE-CHAIR HOSTICKA vote AYE. REPS. DOMINY and MARKHAM vote NO.

CHAIR BAUM and REP. PETERSON are EXCUSED.

169 VICE-CHAIR HOSTICKA: The motion CARRIES. REP. NORRIS will lead discussion on the floor.

171 CLOSES WORK SESSION ON HB 2346

Additions to the record: HB 2344 A-engrossed Staff Measure Summary (EXHIBIT A) HB 2344-5 Revenue Impact Analysis (EXHIBIT B) HB 2344 Hand-Engrossed with HB 2344-5 Amendments (LC 203) (EXHIBIT C) HB 2398 A-engrossed Staff Measure Summary (EXHIBIT D) HB 2398 A-engrossed Fiscal Analysis (EXHIBIT E) HB 2398-2 Revenue Impact Analysis (EXHIBIT F) HB 2398 Hand-Engrossed with HB 2398-2 Amendments (LC 1728) (EXHIBIT G) HB 2346 Staff Measure Summary (EXHIBIT H) HB 2346 Fiscal Impact Assessment (EXHIBIT I) HB 2346 Revenue Impact Analysis (EXHIBIT J)

172 VICE-CHAIR HOSTICKA: Adjourns meeting at 4:52 p.m.

Submitted by:

Reviewed by:

Karen McCormac
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - HB 2344 A-engrossed Staff Measure Summary - Staff - 1 page B
- HB 2344-5 Revenue Impact Analysis - Staff - 1 page C - HB 2344
Hand-Engrossed with HB 2344-5 Amendments (LC 203) - Staff - 5 pages D
- HB 2398 A-engrossed Staff Measure Summary - Staff - 1 page E -
HB 2398 A-engrossed Fiscal Analysis - Staff - 1 page F - HB 2398-2
Revenue Impact Analysis - Staff - 1 page G - HB 2398 Hand-Engrossed
with HB 2398-2 Amendments (LC 1728) - Staff - 3 pages H - HB 2346
Staff Measure Summary - Staff - 1 page I - HB 2346 Fiscal Impact
Assessment - Staff - 1 page J - HB 2346 Revenue Impact Analysis -
Staff - 1 page