

HOUSE COMMITTEE ON NATURAL RESOURCES

June 10, 1993          Hearing Room D 4:00 p.m.      Tapes 46 - 47

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

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

MEASURES CONSIDERED:            Work Session - SB 63 A-Engrossed - HB 2580  
- HB 3357 - HB 3358 - HB 3512 - HB 2191 - HB 3665 - HM2 - SB 571  
A-Engrossed - SB 1010 A-Engrossed

WITNESSES:                    MARTHA PAGEL, Water Resources Department KIP  
LOMBARD, Oregon Water Resources Congress

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

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 46, SIDE A

005      CHAIR BAUM:    Calls meeting to order at 4:42 p.m.

OPENS WORK SESSION ON SB 63 A-Engrossed

008    CATHERINE FITCH, Committee Administrator:    Senate Bill 63 increases  
mine land reclamation permit fees and adds new fees. This measure  
was

anticipated in the Department of Geology and Mineral Industries' budget.  
Currently, there are seven-hundred field sites which are covered or  
supervised by 2.5 FTE. It is believed by both the department and the  
industry that an additional person is needed, which will be funded by  
the permit fees. The fiscal impact is \$148,000.

015    MOTION: REP. REPINE: Moves SB 63 A-ENGROSSED to the floor with  
a DO PASS RECOMMENDATION.

017      CHAIR BAUM:    Restates motion and calls for discussion.

018      REP. PETERSON:    I will be voting no on this fee bill.

033 VOTE: REPS. DOMINY, FISHER, HOSTICKA, JOSI, NORRIS, REPINE and CHAIR BAUM vote AYE. REP. PETERSON votes NO. REPS. DELL, LUKE, MARKHAM

and VanLEEUEWEN are EXCUSED.

042 CHAIR BAUM: The motion CARRIES. REP. MARKHAM will lead discussion on the floor.

Additions to the record: SB 63 A-Engrossed Staff Measure Summary, Revenue Impact Analysis and Fiscal Analysis (EXHIBIT A)

055 CLOSES WORK SESSION ON SB 63 A-ENGROSSED

056 OPENS WORK SESSION ON HB 3357

057 FITCH: The process of receiving a water right in Oregon includes five steps; making an application, the issuance of a permit, completion of

the permitted work, certification that the work had been completed, and the issuance of a water right certificate.

Often, between the time an application is approved and a permit is issued, the "ground" on which that water is applied can change. House Bill 3357 would allow the Water Resources Commission to include land that wasn't described in the original permit to be included in an irrigation district's water right certificate, upon proof that the water right certificate would take no more water than the original application, and that no more land would be included within the boundaries.

073 REP. NORRIS: This is an important bill. This would permit the final certificate to include lands not included in the original application as long the total acreage nor the rate and duty of the water is increased.

079 REP. JOSI: This bill also codifies what is actually practiced today.

085 REP. HOSTICKA: House Bill 3357 is an attempt to retroactively fix the law, and as we heard in testimony, the people who have a problem already have the ability to have it resolved on a case-by-case basis. I think

they should pursue that, instead of changing the statutes.

088 REP. PETERSON: I will be voting yes on this bill.

093 MOTION: REP NORRIS: Moves HB 3357 to the floor with a DO PASS RECOMMENDATION, AS AMENDED BY THE HB 3357-2 AMENDMENTS (LC 3275), dated 6-2-93, by the Subcommittee on Water.

108 CHAIR BAUM: Restates motion and calls for discussion.

110 VOTE: REPS. DOMINY, FISHER, JOSI, NORRIS, PETERSON, REPINE and CHAIR BAUM vote AYE. REP. HOSTICKA votes NO. REPS. DELL, LUKE, MARKHAM

and VanLEEUEWEN are EXCUSED.

116 CHAIR BAUM: The motion CARRIES. REP. NORRIS will lead discussion on the floor.

Additions to the record: HB 3357 Staff Measure Summary, Revenue Impact Analysis and Fiscal

Analysis (EXHIBIT B) Proposed -2 Amendments to HB 3357 (LC 3275), 6-2-93 (EXHIBIT C)

CLOSES WORK SESSION ON HB 3357

OPENS WORK SESSION ON HB 3358

125 CHAIR BAUM: The fiscal impact statement for HB 3358 is in error, and a new statement should be here momentarily.

135 FITCH: Any revision in the fiscal impact statement will be downward. Under a law passed in 1991, only a water right which has been

certificated is allowed to be transferred. This law mistakenly stopped previously-allowed transfers of supplemental water use permits and other affected water rights. House Bill 3358 would allow irrigation districts to transfer perfected rights and have supplemental use permits travel with that transfer. In addition, it would allow municipalities to transfer a point of diversion from a surface to a groundwater source for a hydraulic connection if certain conditions are met.

The fiscal impact is for a half-time position in the Water Resources Department.

150 MARTHA PAGEL, Water Resources Department: We're hoping to receive a revised fiscal impact shortly. The error came about due to further

amendments and internal review. We determined this has a minimal fiscal impact which we believe we can absorb within the current budget.

164 MOTION: REP. NORRIS: Moves to adopt the -2 AMENDMENTS (LC 337 5), dated 6-2-93 to HB 3358.

165 CHAIR BAUM: Restates motion and calls for discussion. 172 MOTION: REP. NORRIS: Moves HB 3358 to the floor with a DO PASS RECOMMENDATION, AS AMENDED BY THE HB 3358-2 AMENDMENTS (LC 3375),

dated 6-2-93 by the Subcommittee on Water.

175 CHAIR BAUM: Restates motion and calls for discussion.

The new fiscal which we have just received states that the fiscal impact will be minimal.

176 VOTE: REPS. DOMINY, FISHER, HOSTICKA, JOSI, MARKHAM, NORRIS, PETERSON, REPINE and CHAIR BAUM vote AYE. REPS. DELL, LUKE and

VanLEEUWEN are EXCUSED.

185 CHAIR BAUM: The motion CARRIES. REP. NORRIS will lead discussion on the floor.

Additions to the record: HB 3358 Staff Measure Summary, Revenue Impact Analysis, Original and Revised Fiscal Analyses (EXHIBIT D) HB 3358 Hand-Engrossed with HB 3358-2 Amendments (LC 3375), 6-2-93

(EXHIBIT E)

CLOSES WORK SESSION ON HB 3358

OPENS WORK SESSION ON HB 3512

187 FITCH: House Bill 3512 addresses a current dilemma in the law, which provides for both the state Water Resources Department and the

state-appointed seven member Energy Facility Siting Council to adopt rules for new applications to permit and monitor hydroelectric projects. House Bill 3512 would remove the Energy Facility Siting Council oversight from permitting and regulating water power facilities generating nominal amounts of electric power.

205 MOTION: REP. NORRIS: Moves to adopt the -2 AMENDMENTS (LC 321 0), dated 6-3-93 to HB 3512.

208 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

210 MOTION: REP. NORRIS: Moves HB 3512 to the floor with a DO PASS RECOMMENDATION, AS AMENDED BY THE -2 AMENDMENTS (LC 3210), dated 6-3-93, by the Subcommittee on Water.

212 CHAIR BAUM: Restates motion and calls for discussion.

213 VOTE: REPS. DOMINY, FISHER, HOSTICKA, JOSI, MARKHAM, NORRIS, PETERSON, REPINE and CHAIR BAUM vote AYE. REPS. DELL, LUKE and

VanLEEUWEN are EXCUSED.

223 CHAIR BAUM: The motion CARRIES. REP. PETERSON will lead discussion on the floor.

Additions to the record: HB 3512 Staff Measure Summary, Revenue Impact

Analysis and Fiscal

Impact Assessment (EXHIBIT F) Proposed -2 Amendments to HB 3512 (LC 3210), 6-3-93 (EXHIBIT G)

CLOSES WORK SESSION ON HB 3512

OPENS WORK SESSION ON HB 2191

228 House Bill 2191 requires the Land Use Board of Appeals to notify parties of opportunity for mediation after receiving notice of intent to appeal.

233 KATHRYN VAN NATTA, Committee Administrator: The notification letter would inform both petitioners and respondents of the option of mediation to reach an agreement and contains a statement that mediation

information or assistance is available from the Department of Land Conservation and Development. This bill comes to us from the Department of Land Conservation and Development, and has no revenue nor fiscal impact.

244 REP. JOSI: Has the option always been there?

245 VAN NATTA: It hasn't always been there, but is there at the present time.

249 MOTION: REP. REPINE: Moves HB 2191 to the floor with a DO PASS RECOMMENDATION.

254 CHAIR BAUM: Restates motion and calls for discussion.

255 VOTE: REPS. DOMINY, FISHER, HOSTICKA, JOSI, MARKHAM, NORRIS, PETERSON, REPINE and CHAIR BAUM vote AYE. REPS. DELL, LUKE and

VanLEEuwEN are EXCUSED.

261 CHAIR BAUM: The motion CARRIES. REP. REPINE will lead discussion on the floor.

Additions to the record: HB 2191 Staff Measure Summary, Fiscal Impact Assessment and Revenue

Impact Analysis (EXHIBIT H)

CLOSES WORK SESSION ON HB 2191

OPENS WORK SESSION ON HB 3665

268 FITCH: House Bill 3665 would effectively repeal the existing lottery system from issuing salmon vessel permits. The state is allowed by

statute to issue 2,400 troll permits. In 1992, the department issued a total of approximately 2,100 permits. Given the recent poor condition

of the salmon fishery, there are questions as to whether or not it is appropriate to continue increasing the number of troll permits. House Bill 3665 would effectively seal the number of permits at the 2,100 figure, and allows for no additional permits.

Only those vessels licensed prior to May 15, 1989 may request a permit renewal. There is a fiscal impact on this measure. It is anticipated that approximately \$43,000 of revenue would not accrue to the Department of Fish and Wildlife as a result of this bill.

322 MOTION: REP. PETERSON: Moves HB 3665 to the floor with a DO PASS RECOMMENDATION.

324 CHAIR BAUM: Restates motion and calls for discussion.

326 VOTE: REPS. DOMINY, FISHER, JOSI, MARKHAM, NORRIS, PETERSON, REPINE and CHAIR BAUM vote AYE. REPS. DELL, LUKE AND VanLEEUEWEN are

EXCUSED.

329 CHAIR BAUM: The motion CARRIES. REP. JOSI will lead discussion on the floor.

Additions to the record: HB 3665 Staff Measure Summary, Revenue Impact Analysis and Fiscal Analysis (EXHIBIT I)

CLOSES WORK SESSION ON HB 3665

OPENS WORK SESSION ON SB 64 A-ENGROSSED AND HB 3357

368 MOTION: REP. HOSTICKA: Moves to suspend the rules to allow Rep. Markham to vote on SB 64 A-Engrossed and HB 3357.

385 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

387 VOTE: REP. MARKHAM votes AYE on SB 64 A-ENGROSSED.

388 VOTE: REP. MARKHAM votes AYE on HB 3357.

CLOSES WORK SESSION ON SB 64 A-ENGROSSED AND HB 3357

393 OPENS WORK SESSION ON HB 2580

421 MARTHA PAGEL, Water Resources Department: We believe the fiscal statement is accurate, and is a reduction from the original fiscal

impact. It reflects amendments which we think have reduced the workload on our field services staff, but there still is a substantial workload created by the bill since it creates a new program by which current

water right holders can apply for a temporary transfer of water right use.

We still believe some field presence is required, and we've indicated 5 FTE, which would either be concentrated in certain locations or spread over various regional offices. The bill establishes a new program, but requires an existing fee for transfers, so there is a funding source, but that estimate depends upon the use of this new program, as would our staffing requirements.

TAPE 47, SIDE A 024 CHAIR BAUM: So this is a wash?

025 PAGEL: Yes. If there's a great deal of activity in the program, there will be fees, but we're not sure whether they will generate enough

income to cover the staff required.

030 CHAIR BAUM: This bill must go to the Appropriations Committee because it has a fiscal impact and a revenue increase to cover the fiscal

impact.

047 KIP LOMBARD, Oregon Water Resources Congress: House Bill 3358, which this committee just passed, also amends ORS 540.510. On Page 8 of the

Hand-Engrossed version of HB 2580 with the -2 Proposed Amendments, that same section is amended. However, Legislative Counsel uses different language than they did in HB 3358. The new language reads, "and if applicable, a related supplemental water use permit..."

The language you just adopted in HB 3358 uses the phrase, "and if applicable, the associated supplemental water use permit..." We prefer this phrase. For consistency, I am requesting that you delete "a related" and insert "the associated."

083 MOTION: REP. HOSTICKA: Moves to SUSPEND THE RULES TO ALLOW AMENDMENTS to the HB 2580-2 AMENDMENTS, by changing "A RELATED" to "THE ASSOCIATED" on PAGE 8, LINE 15 OF THE HAND-ENGROSSED HB 258 0 WITH HB 2580 -2 AMENDMENTS (LC 277), dated 6-3-93.

087 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

095 This bill requires expenditure authority because the fiscal impact statement is over \$250,000. The revenue statement covers the cost of

the expenditures, but it requires Appropriations Committee action.

101 MOTION: REP. HOSTICKA: Moves HB 2580 to the floor with a DO  
PASS RECOMMENDATION, AS AMENDED BY THE HB 2580-2 AMENDMENTS (LC 277),  
dated 6-3-93, with a SUBSEQUENT REFERRAL to the APPROPRIATIONS  
COMMITTEE.

108 CHAIR BAUM: Restates motion and calls for discussion.

112 VOTE: REPS. DELL, DOMINY, HOSTICKA, MARKHAM, PETERSON,  
REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER, JOSI, LUKE  
and

NORRIS are EXCUSED.

119 CHAIR BAUM: The motion CARRIES. No carrier is needed for this  
bill.

Additions to the record: HB 2580 Staff Measure Summary, Revenue Impact  
Analysis and Fiscal

Analysis (EXHIBIT J) HB 2580 Hand-Engrossed with HB 2580-2 Amendments  
(LC 277), 6-3-93

(EXHIBIT K)

CLOSES WORK SESSION ON HB 2580

132 OPENS WORK SESSION ON HM2

House Memorial 2 urges President Clinton and Congress and the EPA  
Administrator to amend the Food, Drug and Cosmetic Act to establish a  
negligible risk standard for pesticide residues which concentrate during  
food processing.

134 MOTION: REP. REPINE: Moves HM 2 to the floor with a DO  
PASS RECOMMENDATION.

135 CHAIR BAUM: Restates motion and calls for discussion.

141 REP. PETERSON: What does "negligible risk standards" mean?

144 FITCH: It's my understanding that "no negligible effect" was a  
formula for balancing the positive attributes of the application of a  
pesticide with the negative implications for public health and safety.  
I'm not

certain as to what the thresholds would be.

154 REP. DOMINY: Two members of this committee are not part  
of the Subcommittee on Agriculture and Forestry.

157 CHAIR BAUM: Announces that HM 2 will be heard at the next  
meeting of the House Committee on Natural Resources.

Additions to the record: HM2 Staff Measure Summary, Revenue Impact  
Analysis and Fiscal Impact Assessment (EXHIBIT L)



165 CLOSSES WORK SESSION ON HM2

166 OPENS WORK SESSION ON SB 571 A-ENGROSSED

167 FITCH: The state currently levies a \$200 fee for a residential boat license. In addition, there is a vessel permit of \$75 to operate a

vessel in the ocean troll salmon fishery. In 1991, the legislature passed a law removing the requirement that the boat license and vessel permit had to be renewed, because there were so few days in the permitted season. The ocean troll salmon fishery is again anticipated to be fairly limited, and SB 571 would waive the requirement for individuals to renew their boat license if the salmon season in the area adjacent to where their vessel is docked will not exceed 20 days.

182 MOTION: REP. HOSTICKA: Moves SB 571 A-ENGROSSED to the floor with a DO PASS RECOMMENDATION.

184 CHAIR BAUM: Restates motion and calls for discussion.

185 Does the Department of Fish and Wildlife support this bill?

186 FITCH: Yes. I might also add that if the fishing season is not going to be great, they may not be getting those license renewals anyway.

189 REP. HOSTICKA: I had a constituent call me on this bill who has a fishing boat on the coast. If people aren't able to fish because there

are no fish or because the season is so limited, we should neither be charging them for a license nor suspending their license because they didn't go fishing, so this addresses an inequity in the law.

197 VOTE: REPS. DELL, DOMINY, HOSTICKA, MARKHAM, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER, JOSI, LUKE and

NORRIS are EXCUSED.

207 CHAIR BAUM: The motion CARRIES. REP. JOSI will lead discussion on the floor, with REP. HOSICKA to back him up if necessary.

Additions to the record: SB 571 Staff Measure Summary, Fiscal Analysis and Revenue Impact

Analysis (EXHIBIT M)

208 CLOSSES WORK SESSION ON SB 571 A-ENGROSSED

OPENS WORK SESSION ON SB 1010 A-ENGROSSED

210 CHAIR BAUM: Senate Bill 1010 had a subsequent referral to Appropriations. However, we discovered that this bill is already in

their budget.

217 MOTION: REP. HOSTICKA: Moves to SUSPEND THE RULES to allow for a RECONSIDERATION OF THE VOTE in which SB 1010 was referred to the

COMMITTEE ON APPROPRIATIONS.

220 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

222 MOTION: REP. HOSTICKA: Moves to RECONSIDER THE VOTE in which SB 1010 was referred to the COMMITTEE ON APPROPRIATIONS.

224 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

226 MOTION: REP. HOSTICKA: Moves SB 1010 to the floor with a DO PASS RECOMMENDATION and RESCINDS the SUBSEQUENT REFERRAL TO THE COMMITTEE ON APPROPRIATIONS.

229 CHAIR BAUM: Restates motion and calls for discussion.

236 VOTE: REPS. DELL, DOMINY, HOSTICKA, MARKHAM, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER, JOSI, LUKE and

NORRIS are EXCUSED. 247 CHAIR BAUM: The motion CARRIES. REP. VanLEEUEWEN will lead discussion on the floor.

Additions to the record: SB 1010 Staff Measure Summary, Revenue Analysis and Fiscal Analysis

(EXHIBIT N) SB 1010 Hand-Engrossed with SB 1010-A7 Amendments (LC 3540), 6-3-93

(EXHIBIT O)

261 CLOSES WORK SESSION ON SB 1010 A-ENGROSSED

Adjourns meeting at 6:51 p.m.

Submitted by:

Reviewed by:

Karen McCormac  
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - SB 63 A-Engrossed Staff Measure Summary, Revenue Impact Analysis and Fiscal Analysis - Staff - 3 pages B - HB 3357 Staff Measure Summary, Revenue Impact Analysis and Fiscal Analysis - Staff - 3

pages C - Proposed -2 Amendments to HB 3357 (LC 3275), 6-2-93 - Staff - 6 pages D - HB 3358 Staff Measure Summary, Revenue Impact Analysis, Original and Revised Fiscal Analyses - Staff - 4 pages E - HB 3358 Hand-Engrossed with HB 3358-2 Amendments (LC 3375), 6-2-93 - Staff - 4 pages F - HB 3512 Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment - Staff - 3 pages G - Proposed -2 Amendments to HB 3512 (LC 3210), 6-3-93 - Staff - 14 pages H - HB 2191 Staff Measure Summary, Fiscal Impact Assessment and Revenue Impact Analysis - Staff - 2 pages I - HB 3665 Staff Measure Summary, Revenue Impact Analysis and Fiscal Analysis - Staff - 3 pages J - HB 2580 Staff Measure Summary, Revenue Impact Analysis and Fiscal Analysis - Staff - 3 pages K - HB 2580 Hand-Engrossed with HB 2580-2 Amendments (LC 277), 6-3-93 - Staff - 23 pages L - HM2 Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment - Staff - 2 pages M - SB 571 Staff Measure Summary, Fiscal Analysis and Revenue Impact Analysis - Staff - 4 pages N - SB 1010 Staff Measure Summary, Revenue Analysis and Fiscal Analysis - Staff - 5 pages O - SB 1010 Hand-Engrossed with SB 1010-A7 Amendments (LC 3540), 6-3-93 - Staff - 6 pages