House Committee on Water Policy May 16, 1991 - Page

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks  $\frac{1}{2}$ 

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON WATER POLICY

May 16, 1991Hearing Room D 1:15 p.m. Tapes 71 - 74

MEMBERS PRESENT: Rep. Chuck Norris, Chair Rep. Bill Dwyer, Vice-Chair Rep. Bill Markham Rep. Walt Schroeder Rep. Larry Sowa

STAFF PRESENT: Beth Patrino, Committee Administrator Pat Zwick, Committee Assistant

WITNESSES:Sen. Paul Phillips Rep. Dave McTeague Dale Pearson Mark Nelson, Water For Life Richard Kosesan Jeff Curtis, Oregon Department of Fish and Wildlife Jill Zarnowitz, Department of Fish and Wildlife Dave Moskowitz, Jim Myron, Oregon Trout Kip Lombard, Oregon Water Resources Congress Tom O'Connor, League of Oregon Cities Rep. Denny Jones Rep. Rod Johnson Jan Boettcher, Oregon Water Resources Congress Doug Myers, Water Watch Michael

MEASURES CONSIDERED: HB 3390 - Permits use of water under water right permit or certificate at any location owned by holder of right or permit without applying for transfer of water right. - Work Session

 ${
m HB}$  3457 - Requires installation, operation, and maintenance of screening or by-pass devices in certain water diversions. - Work Session

HB 3338 - Creates Legislative Task Force on Tualatin River Clean Up. - Work Session

HB 3328 - Allows holder of pre-1914 water right to natural flows of waters of state amount of water necessary to adequately irrigate all appurtenant lands, rather than limiting holder to rate and duty of water established in adjudication decree, if abundant water. - Work Session

 ${\tt HB}\ 2191$  - Establishes process for state agency to request permit from Water Resources Commission for reservation of water for future economic development. - Work Session

 ${\tt HB}$  3465 - Requires agency applying for in-stream water right to give public notice of application. - Work Session

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m HB}$  2335 - Allows water right holder to sell, lease or otherwise transfer water. - Work Session

HB 2677 - Provides for preference of human and livestock uses of water within scenic waterways when proposed uses of water are in mutually exclusive conflict or where available supplies of water are insufficient for all who desire to use them. - Work Session

HB 3389 - Exempts from requirement to obtain water right permit or certificate, use of water for pond or reservoir located on seasonal water source and having capacity of less than five acre feet or being less than 10 feet in height. - Work Session

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TAPE 71, SIDE A

010 CHAIR NORRIS: Calls the meeting to order at 1:18 p.m.

Opens work session on HB 3338.

WORK SESSION HB 3338

010 SEN. PHILLIPS: Urges passage of HB 3338.

025 BETH PATRINO, COMMITTEE ADMINISTRATOR: Reviews provisions of 3338-4 (EXHIBIT A) and 3338-5 (EXHIBIT B).

Sound not on for first 95 feet of tape.

095 REP. SOWA: Concern of group who filed lawsuit which got this going is that the original bill and everything through 3338-4 amendment provides for a study and a stall for another couple of years before we do anything. 3385-5 amendment provides to begin the process now.

102 SEN. PHILLIPS: The individuals who have come together to present this, represent a broad based, bi-partisan group that does not represent any special interest that might try to market their wares to parties involved. We are trying to develop a good base of information. DEQ has testified that that base of information is yet to be developed. We have individuals and federal monies being put forth to really help us in the Tualatin Valley area, as well as the state of Oregon, provide a model for going forth on the other river basins.

Requests that committee look at 3338-4 amendment.

125 MOTION: REP. MARKHAM: Moves adoption of 3338-4 amendments (EXHIBIT A).

135 VOTE: On a roll call vote, amendment is adopted. Rep. Sowa votes No. Rep. Schroeder is excused.

140 MOTION: REP. MARKHAM: Moves HB 3338, as amended, to the Committee on Ways and Means with a do pass recommendation.

VOTE: On a roll call vote, motion passes. Rep. Sowa votes No.

160 CHAIR NORRIS: Closes work session on HB 3338.

Opens work session on HB 3457.

175 PATRINO: Reviews provisions on HB 3457. Gentlemen at the table will review 3457-2 amendment (EXHIBIT C).

180 REP. McTEAGUE: Has been looking at this issue for three sessions. This is the first time we have been able to come before the Water Policy Committee with a proposal that in the future will get some fish screens installed where needed, and address concerns and uncertainties of the irrigation and diversion community.

Reviews current Oregon law on the issue which says that if the Department of Fish and Wildlife sends a letter to a diverter, that diverter has to screen at his own expense.

It does not appear that has ever happened.

A successful federally funded program in northeastern Oregon installs and maintains screens with federal dollars. The program has been subcontracted to Oregon Department of Fish and Wildlife by the National Marine Fisheries Service.

Asks committee to send the bill on to the Committee on Ways and Means.

Believes the proposal is a sound approach and deals with the principal concerns of the fishery conservation community, takes the gun away from the head of the irrigation and diversion community, and provide certainty about future requirements.

248 REP. DWYER: Is the funding from a twenty-five cent, four-year surcharge?

250 DALE PEARSON: Presents and summarizes written testimony (EXHIBIT  $\mathbf{D}$ ).

The funding source is three-pronged; a requirement that the diverter pay for part of the installation and construction and an annual fee on diverters requiring screening, a twenty-five cent four year surcharge from anglers, and a request for \$250,000 from the General Fund. We believe this will approximately total the \$600,000 or \$700,000 the Department believes will be needed to accomplish the program. That will probably be fine tuned in Ways and Means to more closely meet the needs of the program.

Reviews 3457-2 proposed amendments (with corrections) dated 5/15/91 (EXHIBIT C).

TAPE 72, SIDE A

PEARSON: Continues review of (EXHIBIT C).

070 MARK NELSON, WATER FOR LIFE: We are not in agreement with all provisions of the bill. Believes it is a good package which will benefit everyone.

Ambrose McAuliffe and Roger Nicholson have agreed with the measure.

090 RICHARD KOSESAN: Believes the proposal is workable.

098 JEFF CURTIS, OREGON DEPARTMENT OF FISH AND WILDLIFE: The Department

has some concerns about the legislation, particularly about the funding sources. Not prepared at this time to deal with an angler fee. Also concerned the fee to diverters will be difficult to collect.

Believes our concerns can be dealt with in future actions on the bill. Feel it is important that the legislation pass and will continue to work with the agriculture community and Rep. McTeague's office to shape the effort into something beneficial to both the agricultural community and the fish.

- 120 REP. MARKHAM: Will you try to amend the bill in the Senate?
- 122 CURTIS: We will raise our concerns in Ways and Means. Have been in discussion about using some amount of General Funds. The way the bill is structured there could be additional contributions from people who have the diversions.
- 130 REP. SOWA: Can you supply me with a list of all diverters in the state that will fall in the category of this bill?
- 136 CURTIS: No.
- 140 REP. SOWA: Can Water Resources?
- 145 CURTIS: Would have to ask them.
- 146 REP. SOWA: Is the fee a flat fee for the diversion?
- 147 JILL ZARNOWITZ, DEPARTMENT OF FISH AND WILDLIFE: The fee is a flat fee of \$25 per year for diversions under 40 cfs and \$50 per year for diversions over 40 cfs.
- 148 REP. SOWA: Is an irrigation district only charged one fee of \$25 even if 2,000 people use the water?
- 155 ZARNOWITZ: That is our understanding.
- 156 REP. SOWA: If the diverter is a municipality is the fee different?
- 158 ZARNOWITZ: Not according to this bill.
- 155 REP. SOWA: Does the Department feel the moratorium is necessary or will it only foster irrigators being less careful in their diversions and the few covered under this bill using less careful practices than they do now?
- 160 CURTIS: The Department feels it is very important to start putting in screens. There should be an implementation phase in and this bill provides that. To the extent that we get some screens out there and get started on a screening program that provides some comfort to the irrigation community, legislation that would provide a greater degree of certainty makes some sense.
- 171 CHAIR NORRIS: We either get the bill out today, or we will get nothing.
- 175 DAVE MOSKOWITZ: Has some concerns, but this is probably a good bill that the committee should pass.

190 JIM MYRON, OREGON TROUT: Still has some concerns and will address them as the bill continues through the process.

200 MOTION: REP. DWYER: Moves that at the end of line 30, page 4, we insert the language provided by Rep. McTeague's office.

VOTE: Without objection, amendment is adopted.

MOTION: REP. DWYER: Moves HB 3457-2 with corrections, as amended to the Committee on Ways and Means with a do pass recommendation.

VOTE: Without objection, amendment is adopted.

MOTION: REP. DWYER: Moves HB 3457, as amended, to the Committee on Ways and Means, with a do pass recommendation.

217 REP. SOWA: Will support anything that can move through the process and move us toward screen installation. Amendments have real deficiencies as evidenced by the questions I asked. The only people in this bill who are certain to have to pay for this are those who buy fishing licenses. There is no current, accurate list of diverters. This bill does not address the volume of water. A lot of other people such as members of water districts and diversions supplying drinking water to municipalities should be chipping in .

242 REP. DWYER: Agrees with Rep. Sowa. We have to have a broad based funding mechaniSM that recognizes that there is some value to water. It is ludicrous that you pay an annual tax on land and don't consume land, but you don't pay anything for water, but consume water and pay a \$300 one time fee and are allowed to use water forever, without recognizing some of these problems.

290 CHAIR NORRIS: Closes work session on HB 3457.

Opens work session on HB 2335.

WORK SESSION HB 2335

315 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Testifies proposing deletion of current HB 2335 and adding three amendments similar to the amendments to HB 292 6.

Reviews provisions of and urges committee adoption of 2335-1 amendments (EXHIBIT E).

Is asking that the drainage statutes and the Chapter 554 water improvement statutes, be amended to grant these entities power to provide water for domestic, municipal, and industrial purposes.

The authority will be subject to the limits and extent of their water rights. The Department has been issuing irrigation permits and certificates with municipal and industrial components for years.

TAPE 71, SIDE B

LOMBARD: Continues his testimony.

048 REP. SOWA: Does not believe drainage districts are efficient in their methods of delivering water. Would expect we would want them to use a closed system of pipes that would more efficiently use water. Is

this bill a way for you to leverage enough dollars to do that?

063 LOMBARD: Might find a situation where you could use that leverage. Gives example using Talent Irrigation District.

We are not looking for municipal business or seeking to change our principal function of providing water for irrigation, but making provisions for times of drought to aid municipalities for limited period of time.

088 REP. SOWA: Why do we need the bill?

090 LOMBARD: For clarification in statute.

095 HAYES: Water Resources Department has no position on the bill.

097 TOM O'CONNOR, LEAGUE OF OREGON CITIES: Has no objection to a situation where a water district would be able to supply water wholesale to a city which would use it as a source of supply. Has concern where districts would be able to go into the retail business. Bill does not address retailing water inside urban growth boundaries and encouraging the wrong kind of growth outside city limits.

115 REP. SOWA: Do you think this bill could make the conflict of which water district will supply water to new developments more severe?

118 O'CONNOR: Would depend on if there was an irrigation district adjacent to those areas that wanted to retail water.

123 REP. SOWA: The bill refers to drainage districts which is different from irrigation districts.

128 O'CONNOR: The League would support idea of being able to exchange water, but would not be interested in encouraging proliferation of retail suppliers.

135 LOMBARD: Most districts that have expressed an interest in this bill have no interest in getting into the retail water dispensing business. The only problem with the urban growth boundary is that cities don't want to provide water there, either. If there is some other mechaniSMto decide who and how water will be supplied to those areas, that's fine. Perhaps there should be a different way to address that. We are only asking for authority to be able to do it and are willing to work with municipalities if they are interested.

152 MOTION: REP. DWYER: Moves adoption of 2335-1 amendment.

VOTE: Without objection, amendment is adopted.

MOTION: REP. DWYER: Moves HB 2335, as amended, to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes unanimously. All members are present.

165 CHAIR NORRIS: Closes work session on HB 2335.

Rep. Dwyer will carry the bill.

Opens work session on HB 3328.

WORK SESSION HB 3328

- 178 REP. DENNY JONES: Asks for committee support of HB 3328.
- 200 REP. SOWA: Do you use fertilizer, weed sprays, or chemicals on your land?
- 204 JONES: Not currently. We only use natural fertilizer.
- 220 REP. SCHROEDER: Does the provision of "only when water is available over and above the already approved rights" include instream water rights?
- 225 JONES: Instream water rights do not affect existing rights at this time.
- Our consumption has been measured and shows that we only use 15% of the water we turn on the fields.
- 240 REP. SOWA: Is this a problem on your ranch exclusively or do you have a large constituency in Eastern Oregon that feels this bill is necessary?
- 242 JONES: All those in Eastern Oregon who flood irrigate, especially on the native meadows, have the same problem.
- 278 REP. SOWA: If we were to severely limit this bill to a river basin and a tributary of that river that affects you and your neighb ors only, you would not personally have a problem with that, but you would expect complaints from other irrigators.
- $285\ \text{REP.}$  JONES: Thinks the bill is a good one from which others should benefit.
- 290 PATRINO: Committee can adopt proposed amendment received at first hearing on the bill.
- 300 LOMBARD: Section 3 of the printed bill gave us some problems because it would provide that irrigation districts with an impoundment upstream and a point of diversion downstream, may require the release of undue amount of water to satisfy the provisions of this subsection.
- Rep. Jones told me that was not his intent and asked me to draft for him, dated April 2, the amendment you have. The amendment would do what Rep. Jones asked; that the operator be required to release so much of the natural flow as will satisfy the rights to the natural flow users downstream consistent with existing priorities.
- 325 MOTION: REP. SCHROEDER: Moves adoption of the Lombard amendment dated 4/2/91 (EXHIBIT F).
- 328 REP. SOWA: Would only be willing to support the bill if it only includes the tributary of the Malheur River that Rep. Jones lives on and not all of Eastern Oregon.
- The amendment allows other areas and impoundments to be included in this bill.

- 330 REP. DWYER: Will not object to amendment but will not support bill.
- 358 VOTE: On a roll call vote, amendment is adopted. Rep. Sowa votes  $\ensuremath{\text{No}}\xspace.$
- 370 MOTION: REP. SCHROEDER: Moves HB 3328, as amended, be passed to the floor with a do pass recommendation.
- $375\ \mathrm{VOTE}$ : On a roll call vote, motion passes. Reps. Dwyer and Sowa vote No.
- 380 REP. SOWA: Serves notice of minority report. He is joined by Rep. Dwyer.
- 390 CHAIR NORRIS: Rep. Denny Jones will carry the bill.

Closes work session on HB 3328.

Opens work session on HB 3390.

WORK SESSION HB 3390

410 PATRINO: Reviews provisions of HB 3390.

Distributes 3390-3 amendment which address Water Resources Department concerns (EXHIBIT G).

TAPE 72, SIDE B

010 REP. ROD JOHNSON: Urges committee to make the 3390-3 amendments a part of the bill and pass the bill to the floor.

Would accept an amendment that would restrict the bill to its intent which is to allow ranchers or farmers to use their irrigation water elsewhere on their contiguous piece of property, and not to transfer it to another land owner, much less a municipality. Does not think the language as written would give them a right to transfer to a municipality.

We do not intend any rancher or farmer to transfer water to a municipality pursuant to this statute.

062 MOTION: REP. DWYER: Moves adoption of the 3390-3 amendment.

VOTE: Without objection, amendment is adopted.

- 065 REP. SOWA: Is the reporting cited in the bill, a reporting of only the transferred water?
- 070 REP. JOHNSON: Understands intent through this bill is to have the diverted water metered if the water user intends to transfer use of water from an existing water right location to another contiguous piece of property. Not trying to enlarge a person's total taking of water, but just allow him to use the same water elsewhere if he deems it more efficient.
- 077 REP. SOWA: Would like to require metering of all water.
- 085 MOTION: REP. DWYER: Moves HB 3390, as amended, to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes unanimously.

095 CHAIR NORRIS: Closes work session on HB 3390.

Opens work session on HB 3389.

WORK SESSION HB 3389

100 PATRINO: Notes that 3389-4 amendment drafted by Rep. Rod Johnson is before the committee.

105 REP. ROD JOHNSON: Reviews provisions of 3389-4 amendment (EXHIBIT H).

Asks committee to adopt 3389-4 amendments and send the bill to the floor.

 $165\ \text{REP.}$  SOWA: We have changed the definition of seasonal to August 1 to September 20.

If a pond has historically been used by wildlife and stock and the owner decides that he now wants to put in a pipe and pipe the water to a trough in order to preserve the banks of his pond, will that be allowed under this new provision?

178 JOHNSON: My intent is that any beneficial use to which the pond had been put prior to May 15, 1991, would be allowed. If he is now wanting to put it to a new use that would not comply with the language in the bill.

Took out two types of uses inserted into the bill by Water Resources  $\ensuremath{\mathsf{Department}}$  .

- 205 REP. SOWA: If someone has a pond they have been using to irrigate a garden, they would have to go through the regular water rights application fee.
- 210 REP. JOHNSON: That is covered in the license scheme part of the bill. If they had a small pond on a seasonal source from which they have been irrigating their garden, that would comply with beneficial the use and would be grandfathered in.
- 215 REP. DWYER: Is not supportive of the bill in principle, in terms of us legalizing, as of May 15, 1991, everything that was illegal.

Not sure he agrees that people knew they were not legal. We are now condoning their illegal activities. We have to recognize that the ponds are there, have a way of dealing with them, and encourage the things that ponds encourage such as out of stream consumption of water.

With that caveat, I will vote yes on the bill.

237 REP. SCHROEDER: Is the provision that an aerial photo will fill the requirement of a map included in the bill?

248 REP. JOHNSON: Notes provision on page 4, lines 4, 5, and 6 in 3389-4 amendment which requires that the map standards the Department shall promulgate shall be simply designed so that the ordinary landowner may comply with them without seeking expert advise or assistance.

250 REP. SOWA: If the forest industry has a pond that would be potentially grandfathered in, and it has not been used for the original purpose of fire control, could that still be grandfathered in as a beneficial use to be used for the original purpose in the future?

257 REP. JOHNSON: Yes, because the pond has been in existence for safety purposes and its future use would be for the same purpose.

380 MOTION: REP. MARKHAM: Moves adoption of the 3389-4 amendments.

VOTE: Without objection, amendment is adopted.

290 MOTION: REP. MARKHAM: Moves HB 3389, as amended, to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes unanimously. All members are present.

300 CHAIR NORRIS: Rep. Johnson will carry the bill.

Closes work session on HB 3389.

Recesses for 10 minutes at 3:04 p.m.

(Tape was not turned off during recess.)

TAPE 73, SIDE A

CHAIR NORRIS: Reconvenes at 3:17 pm.

Opens work session on HB 2191.

WORK SESSION HB 2191

025 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Reviews provisions of 2191-3 amendments (EXHIBIT I).

048 DOUG MYERS, WATER WATCH: Water Watch suggested additional language which Legislative Counsel was not able to have ready for today's meeting. We will put that additional language dealing with definition of "overappropriated" in on the Senate side.

050 MOTION: REP. DWYER: Moves adoption of 2191-3 amendment.

VOTE: Without objection, amendment is adopted.

MOTION: REP. DWYER: Moves HB 2191, as amended, to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes. All members are present.

060 CHAIR NORRIS: Closes work session on HB 2191.

Rep. Sowa will carry the bill.

Opens work session on HB 3465.

WORK SESSION HB 3465

- 072 REP. DWYER: Rep. Nelson has no objection to my amendment.
- 078 MICHAEL PAYNE: Rep. Nelson is supportive of the 3465-2 amendments (EXHIBIT J) but has questions about 3465-3 amendments requiring the little people to give notice and incur an additional publication cost. Agencies do not pay fees to Water Resources, but the little people already have to pay burdensome costs. Will trust committee's judgement.
- 090 REP. SOWA: Does putting "person or agency" refer to all water rights or just applications for instream water rights?
- 095 REP. DWYER: All water rights.
- 100 PATRINO: 3465-2 amendment incorporates a number of the changes in 3465-1 and goes a little further.
- 346 5-1 amendment made the changes in line 5 to change the word from "whenever" to "at the time" an application is made. It also required that the public notice include a disclosure of the agency's reasons for making the application.
- 346 5-2 amendment changes the notice responsibility from the agency to the Commission.
- 115 CHAIR NORRIS: Did that also require that requesting agency reimburse the Commission or Department?
- 120 PATRINO: That was covered in another edition of 3465-2.
- 130 REP. SOWA: My concern is that we are making two agencies, a couple of weeks apart, do duplicate reporting.
- 131 REP. DWYER: We required Water Resources Department do it rather than the requesting agency.
- 346 5-3 amendment treats all applications the same.
- No water use fee paid by "little people". Does not subscribe to the \$75 fee, either and that is what I will buy off on.
- 145 PAYNE: Rep. Nelson said if we are going to argue equity perhaps we should ask the agencies applying for instream rights to also pay the same fees that farmers and ranchers would have to pay.
- 148 REP. DWYER: That argument does not work because instream rights are reserved for public uses and not private uses.
- 150 REP. SOWA: A person applying to take water out of the stream is taking the water into their ownership. Water staying in the streams is under the ownership of the state.
- 157 PATRINO: ORS 537.615 deals with ground water. If you intend to limit this to surface water that reference should be struck.
- My understanding of Department's testimony is that with either of the amendments, they would continue to notify the counties and cities in the way they now do.
- 174 MOTION: REP. DWYER: Moves to strike reference to ORS 537.615 in the bill.

- 175 PATRINO: The way 3465-3 (EXHIBIT K) now reads it is the person or agency making the application that would provide the public notice. That is different than the 3465-2 amendment, where the Water Resources Commission would provide the notice after being reimbursed for that by the agency.
- 179 REP. MARKHAM: Will not support 3465-3 amendment.
- 190 MOTION: REP. MARKHAM: Moves adoption of 3465-2 (EXHIBIT J) amendment.
- VOTE: Without objection, amendment is adopted.
- MOTION: REP. DWYER: Moves adoption of 3465-3 amendment (EXHIBIT K) with deletion of the reference to ORS 537.615.
- 199 REP. SOWA: Words in line 6 do not nullify what we did in the -2 amendments.
- 203 REP. DWYER: That is correct.
- 230 REP. MARKHAM: How will the individual be billed?
- 233 REP. DWYER: By the Department and only for publication costs.
- 286 PATRINO: Because you have adopted both the 3465-2 and 3465-3 amendments, need clarification.
- Reviews bill as amended with committee members, verifying changes.
- 224 VOTE: On a roll call vote, amendment is adopted. Rep. Markham votes  ${\tt No.}$
- 294 MOTION: REP. DWYER: Moves HB 3465, as amended, to the floor with a do pass recommendation.
- 315 PATRINO: From the 3465-2 amendment, on line 5 of the bill, you are changing the word "whenever" to "at the time an application is made". On line 6 of the bill you are changing the phrase "the agency making application" to that requires the Commission to publicly notify. If in the 3465-2 amendment, it is an agency making application, you would require that the public notice include the disclosure of the reasons for the application. Is that just for an instream water right?
- 329 REP. DWYER: That's for an instream water right.
- 330 PATRINO: Change it to two weeks. And "in advance to the Commission".
- VOTE: On a roll call vote, motion passes. Rep. Markham votes No.
- 330 CHAIR NORRIS: Will check with Rep. Mike Nelson about carrying the bill.
- If Rep. Nelson declines, Rep. Dwyer will carry.
- Closes work session on HB 3465.
- Opens work session on HB 2677.

## WORK SESSION HB 2677

350 CHAIR NORRIS: Explains why he introduced the bill.

355 PATRINO: Explains previous concerns which are addressed by the 2677-6 amendment (EXHIBIT L).

TAPE 74, SIDE A

REP. SOWA: Does 2677-5 (EXHIBIT M) amendment include "above or within a scenic waterway"?

010 PATRINO: No.

012 REP. DWYER: Will include that provision.

015 PATRINO: The section that allows the Commission to issue these limited licenses, the way the bill reads now, is repealed on July 1, 1993. That combined with the change made on line 11, to extend it further, might be incompatible.

017 REP. DWYER: Extend it to 1995 on both pages.

019 CHAIR NORRIS: At the end of line 6 add "above or within a scenic waterway".

021 REP. DWYER: We are just keeping in compliance with the Diack decision and allowing the Department to issue licenses in any stretch of waterway that may be affected by the Diack decision.

025 CHAIR NORRIS: Accepts language suggested.

030 MOTION: REP. DWYER: Moves adoption of 2677-5 amendment as further amended.

VOTE: Without objection, amendment is adopted.

MOTION: REP. DWYER: Moves HB 2677, as amended, to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes unanimously. All members are present.

050 CHAIR NORRIS: Rep. Norris will carry the bill.

Closes work session on HB 2677.

Adjourns at 3:50 p.m.

Submitted by: Reviewed by:

Pat Zwick, Beth Patrino, Assistant Administrator

EXHIBIT LOG:

A - HB 3338-4 Amendment - Staff - 2 pages B - HB 3338-5 Amendment - Staff - 2 pages C-HB 3457-2 Amendment - Staff - 19 pages D-HB 3457 Testimony - Dale Pearson - 5 pages E-HB 2335-1 Amendment - Staff - 3 pages F-HB 3328 Amendment - Kip Lombard - 1 page G-HB 3390-3 Amendment - Staff - 1 page H-HB 3389-4 Amendment - Rep. Rod Johnson - 6 pages I-HB 2191-3 Amendment - Staff - 3 pages J-HB 3465-2 Amendment - Staff - 1 page K-HB 3465-3 Amendment - Staff - 1 page L-HB 2677-6 Amendment - Staff - 1 page M-HB 2677-5 Amendment - Staff - 2 pages