

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

April 08, 2005
9:00 A.M.

Hearing Room E
Tapes 79 - 82

MEMBERS PRESENT: **Sen. Charlie Ringo, Chair**
 Sen. Jason Atkinson, Vice-Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick

MEMBER EXCUSED: **Sen. Frank Shields**

STAFF PRESENT: **Matt Shields, Committee Administrator**
 Katie Lowry, Committee Assistant

MEASURES/ISSUES HEARD:

SB 389 – Public Hearing and Work Session
SB 351 – Work Session
SB 733 – Work Session
SB 834 – Work Session
SB 890 – Work Session
SB 593 – Work Session
SB 696 – Work Session
SB 570 – Public Hearing
SB 869 – Public Hearing
SB 529 – Work Session
SB 245 – Work Session
SB 347 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 79, A		
005	Chair Ringo	Calls meeting to order at 9:07 a.m. Makes opening comments. Opens public hearing on SB 389.
<u>SB 389 – PUBLIC HEARING</u>		
	Matt Shields	Committee Administrator. Submits SB 389-3 amendments for the record (EXHIBIT A).
015	Jerod Broadfoot	Oregon Chapter, Safari Club International. Gives background information on SB 389. Testifies in support of SB 389.
029	Chair Ringo	Asks which amendments witness is supporting.
030	Broadfoot	Replies the -3 amendments and explains.
040	Roy Elicker	Deputy Director, Fish and Wildlife Programs, Oregon Department of Fish and Wildlife (ODFW). Introduces Ron Anglin. States that the ODFW supports the -3 amendments. Submits written testimony (EXHIBIT B).
042	Chair Ringo	Asks about fiscal impact.
043	Elicker	Responds.
044	Chair Ringo	Makes comment. Closes public hearing on SB 389 and opens work session on SB 389.
<u>SB 389 – WORK SESSION</u>		

045 Sen. Atkinson **MOTION: Moves to ADOPT SB 389-3 amendments dated 04/06/05.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields

046 Chair Ringo **Hearing no objection, declares the motion CARRIED.**

048 Sen. Atkinson **MOTION: Moves SB 389 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields
(Note: See Tape 80, B at 256 and page 8 of these minutes.)
Hearing no objection, declares the motion CARRIED.
SEN. BEYER will lead discussion on the floor.

049 Chair Ringo **Closes work session on SB 389 and opens work session on SB 351.**

050 Chair Ringo
SB 351 – WORK SESSION

060 Matt Shields Gives overview of SB 351. Submits and discusses the -3 amendments (**EXHIBIT C**), the -4 amendments (**EXHIBIT D**) and the -6 amendments (**EXHIBIT E**).

087 Joe Rohleder Oregon Aquaculture Association. Gives overview of SB 351. States support for the -4 and the -6 amendments.

100 Chair Ringo Verifies that the -3 amendments added the advisory committee.

101 Rohleder Replies no and explains the -3 amendments.

112 Chair Ringo Verifies that witness wants the -3 amendments held.

113 Rohleder Replies yes.

115 Chair Ringo Asks about fiscal impact.

119 Rohleder Responds.

128 Chair Ringo Asks if witness would support the -3 amendments if the imposed fee was sufficient to cover the funding issues so SB 351 could be moved directly to the Senate floor.

130 Rohleder Responds.

133 Sen. Beyer Prefers to adopt the -4 and the -6 amendments and move SB 351 to Ways and Means. Makes comments.

142 Chair Ringo Replies.

143 Chair Ringo **MOTION: Moves to ADOPT SB 351-4 amendments dated 03/28/05.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields
Hearing no objection, declares the motion CARRIED.

144 Chair Ringo **MOTION: Moves to ADOPT SB 351-6 amendments dated 03/30/05.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields
Hearing no objection, declares the motion CARRIED.

146 Chair Ringo **MOTION: Moves SB 351 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields
Hearing no objection, declares the motion CARRIED.

149 Chair Ringo **Closes work session on SB 351 and opens work session on SB 733.**

150 Chair Ringo **Committee Administrator. Submits SB 733-1 amendments for the**

160 Chair Ringo
SB 733 – WORK SESSION
Matt Shields

record (**EXHIBIT F**).

167 Jeff Bissonnette Fair and Clean Energy Coalition. Introduces John Miller. Discusses SB 733 and the -1 amendments. Submits written testimony (**EXHIBIT G**).

185 Sen. Atkinson **MOTION: Moves to ADOPT SB 733-1 amendments dated 04/06/05.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields

187 Chair Ringo **Hearing no objection, declares the motion CARRIED.**

188 Sen. Atkinson **MOTION: Moves SB 733 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields

189 Chair Ringo **Hearing no objection, declares the motion CARRIED.**

190 Chair Ringo Closes work session on SB 733 and opens work session on SB 834.
SB 834 – WORK SESSION

195 Eric Schmidt Association of Oregon Counties. Testifies in support of SB 834.

205 Sen. Atkinson **MOTION: Moves SB 834 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields

208 Chair Ringo **Hearing no objection, declares the motion CARRIED.**

209 Chair Ringo Closes work session on SB 834 and opens work session on SB 890.
SB 890 – WORK SESSION

211 Matt Shields Committee Administrator. Gives overview of SB 890. Submits and discusses the -1 amendments (**EXHIBIT H**).

225 Chair Ringo Discusses SB 890.

230 Sen. Beyer Verifies that the cap is left blank.

231 Chair Ringo Replies yes.

235 Sen. Atkinson **MOTION: Moves to ADOPT SB 890-1 amendments dated 04/07/05.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields

237 Chair Ringo **Hearing no objection, declares the motion CARRIED.**

240 Sen. Atkinson **MOTION: Moves SB 890 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue by prior reference.**
VOTE: 3-0-2
EXCUSED: 2 - Burdick, Shields

241 Chair Ringo **Hearing no objection, declares the motion CARRIED.**

243 Chair Ringo States that SB 354, SB 294, SB 861, and SB 352 will not be heard today.

250 Chair Ringo Closes work session on SB 890 and opens work session on SB 593.
SB 593 – WORK SESSION

Matt Shields Committee Administrator. Submits SB 593-1 amendments for the record (**EXHIBIT I**).

253 Cheryl Humman Defenders of Wildlife. Gives background information on SB 593.

262 Sen. Beyer Assumes that the mentioned lands are currently either under agricultural or forestry special assessments.

263	Humman	Replies yes, the majority of them are.
264	Sen. Beyer	Asks what the difference is between those assessments and the special assessments in SB 593.
265	Humman	Explains.
274	Sen. Beyer	Asks for clarification.
275	Humman	Responds.
280	Sen. Beyer	Makes suggestion to Chair Ringo.
287	Humman	Responds. States that the Oregon Department of Forestry supports SB 593.
292	Sen. Beyer	Asks if the land values would remain the same as they are in the forestry assessment.
293	Humman	States that the land value may not remain the same, but that the assessed value would.
298	Sen. Beyer	Clarifies that he is asking if the assessed value would remain the same.
302	Humman	Replies yes and explains.
307	Sen. Beyer	Asks if the land would be able to be transferred between assessments.
308	Humman	Replies yes and explains.
309	Sen. Beyer	Asks if the back tax that came with the provision would be the same as the land use change.
312	Humman	Asks for clarification.
313	Sen. Beyer	Clarifies question.
320	Humman	Responds.
323	Chair Ringo	Asks if Sen. Beyer is comfortable with SB 593.
324	Sen. Beyer	Replies yes and makes comments.
325	Humman	Makes comments.
335	Sen. Beyer	MOTION: Moves to ADOPT SB 593-1 amendments dated 03/11/05.
		VOTE: 3-0-2
		EXCUSED: 2 - Burdick, Shields
336	Chair Ringo	Hearing no objection, declares the motion CARRIED.
337	Sen. Beyer	MOTION: Moves SB 593 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue by prior reference.
		VOTE: 3-0-2
		EXCUSED: 2 - Burdick, Shields
340	Chair Ringo	Hearing no objection, declares the motion CARRIED.
343	Chair Ringo	States that SB 542, SB 529, SB 352, SB 861, SB 294 and SB 659 will be carried over until the next regularly scheduled meeting. States that the committee will not meet on Monday, April 11, 2005. Makes comments.
370	Chair Ringo	Closes work session on SB 593 and opens work session on SB 696.
		<u>SB 696 – WORK SESSION</u>
372	Anita Winkler	Oregon Water Resources Congress. Discusses questions raised at the last hearing on SB 696. Believes that the questions have been resolved.
380	Chair Ringo	Remarks that he had some questions about the operation of SB 696. Says that he is now satisfied with SB 696 as drafted.
395	Sen. Beyer	MOTION: Moves SB 696 to the floor with a DO PASS recommendation.
		VOTE: 3-0-2

EXCUSED: 2 - Burdick, Shields

397 Chair Ringo **Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.**
400 Chair Ringo Closes work session on SB 696. Makes comment about SB 347. Opens public hearing on SB 570.

SB 570 – PUBLIC HEARING

419 Rick North Oregon Physicians for Social Responsibility. Explains SB 570. Testifies in support of SB 570. Submits written testimony **(EXHIBIT J)**.

TAPE 80, A

001 North Continues testimony in support of SB 570.
050 Chair Ringo Asks where most of the test plots are located.
051 North Gives locations.
053 Chair Ringo Asks what kinds of crops are the subjects of those test plots.
054 North Responds corn, soybeans, tobacco and rice.
057 Chair Ringo Asks if there are any test plots in California.
058 North Replies yes and explains in detail.
067 Chair Ringo Asks witness to explain his concerns about food crops.
068 North Responds.
077 Chair Ringo Verifies that witness is not opposed to genetically modified foods.
078 North States that is a different issue. States that he has concern for genetically engineered foods.
079 Chair Ringo Verifies that SB 570 has nothing to do with genetically modified foods.
080 North Confirms this and explains.
081 Chair Ringo Asks about pharmaceuticals.
086 North Explains in detail.
093 North Concludes testimony in support of SB 570.
097 North Submits and reads part of written testimony on behalf of Richard Sessions, CEO of Znomics, Inc., in support of SB 570 **(EXHIBIT K)**.
114 Martin Donohoe, Chief Science Advisor, Oregon Physicians for Social M.D., FACP Responsibility; Adjunct Lecturer, Department of Community Health, Portland State University. Submits and reads written testimony in support of SB 570 **(EXHIBIT L)**.
161 Chris Schreiner Oregon Tilth. Gives background information on Oregon Tilth. Submits and reads written testimony in support of SB 570 **(EXHIBIT M)**.
215 Katy Coba Director, Oregon Department of Agriculture (ODA). Testifies on SB 570. Discusses bio-pharming. Submits written testimony **(EXHIBIT N)**.
245 Chair Ringo Asks what the process is for a request to carry out bio-pharming.
250 Coba Responds. Discusses technology. Concludes testimony on SB 570.
295 Dr. David Stone Environmental Toxicologist, Office of Public Health Systems, Department of Human Services. Submits and reads written testimony on SB 570 **(EXHIBIT O)**.
323 Sen. Beyer Appreciates Ms. Coba's comments that this is a national issue. Asks about location of test crops and cross-pollination.
342 Coba Responds.
385 Terry Witt Executive Director, Oregonians for Food and Shelter. Submits and reads written testimony in opposition to SB 570 **(EXHIBIT P)**.

TAPE 79, B

001 Witt Continues testimony in opposition to SB 570.
060 Chair Ringo Comments that this is a difficult issue and that there are a lot of

public policy issues involved. States that the decision needs to be science based. Remarks that it does not help when witness refers to the proponents of SB 570 as extremists. Makes comment on Dr. Stone's testimony.

070 Witt Replies that much of the debate has not been based on science.

071 Chair Ringo States that it needs to be.

072 Witt Makes comment.

073 Chair Ringo Makes comment.

075 Witt Agrees that the debate should be based on science. Comments on Dr. Stone's testimony.

082 Chair Ringo Responds.

083 Katie Fast Oregon Farm Bureau. Testifies in opposition to SB 570. Submits written testimony **(EXHIBIT Q)**.

127 Chair Ringo Asks about bio-fuels bill.

128 Fast Responds.

133 Bitty Roy Botanist, University of Oregon. States that she is speaking as a private citizen. Testifies in support of SB 570. Submits written testimony **(EXHIBIT R)**.

155 Chair Ringo Clarifies that witness said ninety-seven (97) percent.

156 Roy Replies yes. Continues testimony in support of SB 570.

205 Joseph Cortright Economist, Impresa. Testifies on SB 570. Submits written testimony **(EXHIBIT S)**.

265 Chair Ringo Asks Katy Coba to follow up on Mr. Cortright's testimony. Asks about risk to the economy.

275 Coba Responds.

318 Mel Bankoff Founder, Emerald Valley Kitchens. Testifies in support of SB 570.

412 Chair Ringo Asks if witness has written testimony.

413 Bankoff Replies no.

414 Chair Ringo Asks witness to continue testimony.

415 Bankoff Continues testimony in support of SB 570.

TAPE 80, B

010 Steve Strouss Professor, Oregon State University; Chair, Outreach in Resource Biotechnology. States position of neutrality to SB 570.

015 Chair Ringo Asks witness what his area of expertise is.

020 Strouss Replies geneticist and biotechnologist.

021 Strouss Submits and highlights written testimony in neutrality to SB 570 **(EXHIBIT T)**.

The following prepared testimony is submitted for the record without public testimony:

Rick North Oregon Physicians for Social Responsibility. Submits written testimony on behalf of Peter Lind, Co-Chair Public Health Committee, Oregon Doctors of Chiropractic, in support of SB 570 **(EXHIBIT U)**. Submits written testimony on behalf of Mary H. O'Brien, Ph.D. in Botany, in support of SB 570 **(EXHIBIT V)**. Submits written testimony on behalf of Peter Kenagy, Kenagy Family Farm in Albany, in support of SB 570 **(EXHIBIT W)**.

093 Chair Ringo Closes public hearing on SB 570 and recesses committee at 10:44 a.m.

094 Chair Ringo Calls meeting back to order at 10:54 a.m. Opens public hearing on SB 869.

SB 869 – PUBLIC HEARING

100 Sen. Bruce Starr Represents Senate District 16. Gives background information on SB 869.

153 Chair Ringo States that he has had conversation with some people about a code of ethics for planners. Discusses the way SB 869 is drafted.

162	John Chandler	Oregon Home Builders Association (OHBA). Discusses the issue addressed in SB 869. States that the OHBA will be part of an interim discussion.
193	Sen. Beyer	Asks about term used by witness.
194	Chandler	Responds.
202	Art Schlack	Association of Oregon Counties. Discusses SB 869. Says that they have had conversation with Sen. B. Starr and are beginning to understand the issue. Says they have concerns with the current form of SB 869. States willingness to work with Sen. B. Starr and an interim workgroup.
235	Chair Ringo	Makes comment on SB 869. Closes public hearing on SB 869. Discusses SB 529. Opens work session on SB 529.
<u>SB 529 – WORK SESSION</u>		
240	Sen. Burdick	MOTION: Moves SB 529 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 4-0-1
		EXCUSED: 1 – Shields
245	Chair Ringo	Hearing no objection, declares the motion CARRIED.
255	Chair Ringo	Closes work session on SB 529 and re-opens work session on SB 389.
<u>SB 389 – WORK SESSION</u>		
256	Sen. Beyer	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BURDICK to BE RECORDED as voting AYE on the motion to move SB 389 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 – Shields
257	Chair Ringo	Hearing no objection, declares the motion CARRIED.
		VOTE: 4-0-1
		EXCUSED: 1 – Shields
258	Chair Ringo	(Note: See Tape 79, A at 048 and page 2 of these minutes.) Hearing no objection, declares the motion CARRIED.
265	Chair Ringo	Closes work session on SB 389 and opens work session on SB 245.
<u>SB 245 – WORK SESSION</u>		
	Matt Shields	Committee Administrator. Submits SB 245-1 amendments for the record (EXHIBIT X).
275	Randy Tucker	Legislative Affairs Manager, Metro. Introduces other witnesses.
280	Rod Park	Metro Councilor. Testifies in support of SB 245.
350	John Chandler	Oregon Home Builders Association. Agrees with Mr. Park. Testifies in support of SB 245.
392	Sen. Beyer	Mentions concerns about a bill heard in committee earlier in session relating to Metro. Says that it seems like SB 245 will only make these problems worse.
412	Tucker	Refers to page 2, lines 25-28 of the -1 amendments (EXHIBIT X).
425	Dick Benner	Senior Deputy Counsel, Metro. Discusses concerns raised by SB 730 (2005).
TAPE 81, A		
019	Sen. Beyer	Clarifies that the City of Hillsboro and others know about the -1 amendments and have had a chance to review them.

020	Chair Ringo	States that we just received the amendments today. States that SB 245 will be held over until the next scheduled meeting.
029	Chair Ringo	Closes work session on SB 245 and opens public hearing on SB 347.
<u>SB 347 – PUBLIC HEARING</u>		
	Matt Shields	Committee Administrator. Submits SB 347-1 amendments for the record (EXHIBIT Y).
035	Dave Leland	Manager, Drinking Water Program, Department of Human Services (DHS). Submits and highlights written testimony in support of SB 347 (EXHIBIT Z).
064	Chair Ringo	Asks clarifying question.
065	Leland	Responds.
070	Leland	Discusses the -1 amendments. States support for the -1 amendments.
082	Willie Tiffany	League of Oregon Cities. Discusses SB 347.
093	Chair Ringo	Asks who was a part of the mentioned work group.
094	Tiffany	Responds.
095	Tiffany	Discusses a change desired in the -1 amendments.
105	Chair Ringo	Asks witness to define the word “validated”.
106	Tiffany	Explains.
111	Leland	Explains.
118	Chair Ringo	States that, to him, the word validated means that it has been double checked.
120	Leland	Replies that is a good way to look at it and explains.
126	Tiffany	States that the validated result is the same result that the municipality would receive.
130	Sen. Beyer	Asks who the labs work for.
131	Tiffany	Replies.
132	Sen. Beyer	Verifies that in this case the labs are working for the cities.
133	Tiffany	Replies. States that many municipalities contract with private labs to do these tests.
134	Sen. Beyer	Wonders why an independent third party would be asked to send the results somewhere else. Asks what is wrong with the system of having the municipalities send the non-conforming results to DHS.
140	Chair Ringo	Responds.
148	Sen. Beyer	Makes comments. Gives an illustration.
154	Tiffany	Makes closing remarks.
159	Sen. Burdick	Mentions audit done by the Secretary of the State’s office. Asks if the Secretary of the State’s office directed witness to this approach.
164	Leland	Replies yes and explains.
185	John Nielsen	Past President and Founder, Oregon Environmental Laboratory Association; Board Member, Drinking Water Advisory Committee, DHS; Board Member, Oregon Technical Advisory Committee; owner and operator, Nielsen Research Corporation. Testifies in opposition to SB 347.
215	Chair Ringo	Makes comment. States that his goal is to ensure safe drinking water. Asks if witness can see any harm in dual reporting of a positive result.
223	Nielsen	Responds.
233	Chair Ringo	Asks about reporting the positive reports.
236	Nielsen	Responds that in SB 347, all the reports go to DHS, and DHS would have to sort out the positive and the negative results.
239	Chair Ringo	Asks if witness is referring to the -1 amendments.
240	Nielsen	Replies no, he is speaking to the original bill.

241	Chair Ringo	Asks witness to focus on the -1 amendments.
242	Nielsen	States that both are up for consideration.
243	Chair Ringo	Makes comments regarding work group. Asks all witnesses to direct comments to the -1 amendments.
244	Nielsen	Discusses the -1 amendments. Discusses 24-hour reporting requirement. Discusses the Secretary of the State's audit.
260	Chair Ringo	Asks how many positive, validated results are found in witness' lab in a given amount of time.
264	Nielsen	Responds.
267	Chair Ringo	Asks how many of those tests are positive, validated test results.
268	Nielsen	Replies that it varies. Explains in detail.
280	Sen. Burdick	Asks why the test, once it is validated, couldn't be sent off to the DHS.
281	Nielsen	Verifies that the test would be sent off after it is validated.
282	Sen. Burdick	Replies yes.
286	Nielsen	States that the responsibility of reporting would be shifted to the labs.
290	Sen. Burdick	Points out that the witness has already taken responsibility because the lab has made the phone call. Asks if witness could make a copy of the report and mail it off because the report is already separated.
291	Nielsen	Replies that the lab will make a copy of the report. States that the public water system currently has the responsibility to notify DHS. Explains that the lab reports to the public water system and the public water system reports to DHS.
294	Sen. Burdick	Asks if there is a contract when the lab works for a public water system.
295	Nielsen	Replies no and explains.
296	Sen. Burdick	Verifies that the public water systems don't set up a contract to pay the laboratory.
297	Nielsen	Replies no and explains.
298	Chair Ringo	Confirms that there is at least an agreement that the lab will get paid for their services.
300	Nielsen	Replies yes.
301	Chair Ringo	Asks witness to focus on the -1 amendments. Wonders why SB 347 is an impediment.
309	Nielsen	States that the liability issue is the major complaint of all the laboratories. Explains in detail. Wonders about violations. Discusses timeline for water testing.
338	Chair Ringo	Responds.
340	Sen. Beyer	Remarks about shift of responsibility and liability.
342	Nielsen	Says that the liability issue is 99.99 percent of the objection to SB 347.
343	Chair Ringo	Verifies 99.99 percent objection.
344	Nielsen	Reiterates that the liability issue is the major concern.
345	Chair Ringo	Makes comment.
350	Beth Myers	Waterlab Corporation, Salem. Testifies in opposition to SB 347. Submits written testimony (EXHIBIT AA).
400	Chair Ringo	Asks how witness would transmit a report to the DHS if SB 347 were passed with the -1 amendments.
405	Myers	Replies by fax.
409	Chair Ringo	Asks how many validated positives for public drinking water there are.
410	Myers	Clarifies compliant, validated samples.
411	Chair Ringo	Asks how often that happens.

412	Myers	Replies not very often.
413	Chair Ringo	Points out that the witness mentioned additional costs. Wonders what the extra expense is to also fax the report to DHS.
420	Myers	Makes comment.
421	Chair Ringo	Asks how many faxes.
422	Myers	Replies maybe five a month.
423	Chair Ringo	Verifies that five faxes a month is what the witness is concerned about.
424	Myers	Asks why it is a concern whether the report goes in.
425	Chair Ringo	Replies that is a different issue. States that one question is whether there is a problem and that is an issue worth discussing. Points out that witness mentioned that it would raise her costs a lot.
427	Myers	Replies only if the lab has to send in all of the reports. Verifies that under the -1 amendments it would be fewer reports.
429	Chair Ringo	Mentions that witness said it would only be about five reports a month.
431	Myers	Replies yes.
432	Chair Ringo	Asks what witness' costs are in sending five faxes a month.
433	Myers	Responds.
434	Chair Ringo	Remarks on credibility of witness.
440	Sen. Beyer	Discusses liability issue and cost of liability insurance.
TAPE 82, A		
003	Chair Ringo	Agrees that is an important issue. Remarks about credibility of witness' testimony.
005	Nielsen	Makes additional comments on increased costs.
020	Keith Chapman	Water Analyst, City of Salem. States that he has tested the water provided by the City of Salem for 18 years and in that time there have been two positive choloform tests.
022	Chair Ringo	Verifies that witness said two positive tests in 18 years.
023	Chapman	Confirms this. States that the system was never out of compliance. Explains that compliance is more complicated than a single sample. Believes that the City of Salem is neutral on SB 347. States opposition to SB 347 as the lab director. States reasons for opposition. States that it makes sense to do this for choloform bacteria and Escherichia coli (E. coli).
074	Chair Ringo	Asks if it makes sense to report positive choloform bacteria and E. coli tests to DHS also.
075	Chapman	Replies yes. States that it is too complicated to do the rest of them.
080	Chair Ringo	Asks Ms. Myers and Mr. Nielsen the same question.
081	Nielsen	States that only reporting the choloform bacteria might be something the organization would consider. Reiterates issue of liability and relieving the public water system of the responsibility of reporting.
084	Chair Ringo	Says that he does not want that. Asks Ms. Myers for a response.
085	Myers	Discusses responsibility of water systems and labs.
087	Chair Ringo	Wants to follow up with Mr. Leland and Mr. Tiffany.
088	Chair Ringo	Asks about the idea that SB 347 would shift responsibility to the labs so the water districts wouldn't report.
091	Tiffany	States that SB 347-1 does not remove any liability from the municipal water supplier because they are required under law to report the samples. States that the municipal water supplier is responsible for the quality of the drinking water. Discusses liability of labs if they declined to report directly to DHS.
099	Chair Ringo	Asks who the labs would be liable to.

100	Tiffany	Replies to DHS for failure to report but not for the quality of the report. Reiterates that the municipal water supplier is responsible for the quality of water that is provided to its citizens.
102	Chair Ringo	Mentions comment made that DHS is too busy to look at these reports. Asks what would happen if DHS received a fax of a report that was positive for E. coli.
105	Leland	Replies. Comments on the small number of reports that show there are contaminants. Discusses the process when a positive report is received.
118	Chair Ringo	Asks about testimony that said that one sample doesn't mean anything and that it is an average of 50 to 100 samples.
119	Leland	Replies that is correct and explains. Mentions the audit done by the Secretary of the State's office and discusses results that were not received by DHS. Points out that the issue is whether or not there is timely and appropriate follow-up to reports that show there may be a problem.
132	Chair Ringo	Asks about narrowing the requirements to only reporting cholera bacteria and E. coli. Wonders if those requirements are too narrow because of contaminants such as lead and nitrate that would be missed.
137	Leland	Believes that is correct. States that DHS is most concerned with the bacteriological quality of the water. Discusses other chemicals that have health consequences.
141	Chair Ringo	Closes public hearing on SB 347 and adjourns meeting at 11:57 a.m.

EXHIBIT SUMMARY

- A. SB 389, -1 amendments, Staff, 4 pp**
- B. SB 389, written testimony, Roy Elicker, 1 p**
- C. SB 351, -3 amendments, Staff, 6 pp**
- D. SB 351, -4 amendments, Staff, 1 p**
- E. SB 351, -6 amendments, Staff, 1 p**
- F. SB 733, -1 amendments, Staff, 18 pp**
- G. SB 733, written testimony, Jeff Bissonnette, 4 pp**
- H. SB 890, -1 amendments, Staff, 1 p**
- I. SB 593, -1 amendments, Staff, 1 p**
- J. SB 570, written testimony, Rick North, 3 pp**
- K. SB 570, written testimony of Richard Sessions, Rick North, 1 p**
- L. SB 570, written testimony, Martin Donohoe, 1 p**
- M. SB 570, written testimony, Chris Schreiner, 1 p**
- N. SB 570, written testimony, Katy Coba, 3 pp**
- O. SB 570, written testimony, David Stone, 2 pp**
- P. SB 570, written testimony, Terry Witt, 2 pp**
- Q. SB 570, written testimony, Katie Fast, 2 pp**
- R. SB 570, written testimony, Bitty Roy, 1 p**
- S. SB 570, written testimony, Joseph Cortright, 2 pp**
- T. SB 570, written testimony, Steve Strouss, 3 pp**
- U. SB 570, written testimony of Peter Lind, Rick North, 1 p**
- V. SB 570, written testimony of Mary H. O'Brien, Rick North, 1 p**

W. SB 570, written testimony of Peter Kenagy, Rick North, 1 p

X. SB 245, -1 amendments, Staff, 4 pp

Y. SB 347, -1 amendments, Staff, 2 pp

Z. SB 347, written testimony, Dave Leland, 3 pp

AA. Myers, 36 pp

SB 347, written testimony, Beth