

## HOUSE COMMITTEE ON WATER AND ENVIRONMENT

March 22, 1999 Hearing Room D

1:00 P.M. Tapes 77 -78

**MEMBERS PRESENT:** Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Jason Atkinson

Rep. Richard Devlin

Rep. Juley Gianella

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

**STAFF PRESENT:** Kristina McNitt, Administrator

Danielle Hamilton, Administrative Support

**MEASURE/ISSUES HEARD:** 2165 Public Hearing and Work Session 2188 Public Hearing and Work Session

3134 Public Hearing

2866 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 77, A		

004	Chair Welsh	Calls meeting to order at 1:12 and opens a public hearing on HB 2165.
<b><u>HB 2165 PUBLIC HEARING</u></b>		
005		Staff distributes <b>(EXHIBIT A, B, C)</b> .
006	Kristina McNitt	Administrator. Summarizes HB 2165
021	Tom Byler	Water Resources Department (WRD). Testifies in support of HB 2165. Overviews the background and purpose of HB 2165. Addresses changes made since the last hearing.
070	Rep. Kruse	Asks for clarification of a "well drilling machine" indicated on page 2, line 8 of HB 2165.
077	Dave Jarrett	Water Resources Department. Testifies in support of HB 2165. Answers the machine does not have to be designed as a well drilling machine to fall under the definition.
080	Chair Welsh	Closes public hearing and opens a work session on HB 2165.
<b><u>HB 2165 WORK SESSION</u></b>		
100	Jerry Schmidt	Ground Water Association (GWA). Expresses concerns of the water well drillers.
121	Rep. Kruse	<b>MOTION: Moves HB 2165 to the floor with a DO PASS recommendation.</b>
125		<b>VOTE: 9-0</b>  <b>AYE: 9 - Atkinson, Devlin, Gianella, Kafoury, Kruse, Merkley, Morgan, Taylor, Welsh</b>
		<b>VOTE: 9-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Welsh	<b>The motion CARRIES.</b>
		<b>REP. DEVLIN will lead discussion on the floor.</b>

135	Chair Welsh	Closes work session on HB 2165 and opens public hearing on HB 2188
<b><u>HB 2188 PUBLIC HEARING</u></b>		
160	Gary Lynch	Department of Geology and Mineral Industries Mine Land Reclamation Program (DOGAMI). Testifies in support of HB 2188. <b>(EXHIBIT D)</b> Overviews the provisions of HB 2188.
210	Lynch	Continues explanation of the provisions in HB 2188. Addresses modifications permit.
241	Rep. Kruse	Asks if DOGAMI is comfortable with -2, -3, or -4 amendments.
254	Lynch	Answers yes. Discusses the -2, -3, -4 amendments.
273	Rep. Kruse	Asks for clarification on conceptual amendments for the -3 amendments.
280	Lynch	Answers the -3 were not requested by DOGAMI.
294	Rich Angstrom	Managing Director, Oregon Concrete Aggregate Producers Association (OCAPA). Explains the conceptual amendments, <b>(EXHIBIT E)</b> to the -3 amendments.
335	Rep. Merkley	Asks for clarification on the clause "upon completion of mining."
340	Angstrom	Explains the different factors that are involved in deciding if mining is completed. Notes that there is not a definition of "completion of mining."
346	Lynch	Discusses "life of mine" permits and how they expire.
<b>TAPE 78, A</b>		
036	Rep. Merkley	Asks if the current mining statutes provides erosion stabilization when a mine is not active.
040	Lynch	Answers yes.
068	Jamie Sanders	Clackamas. Testifies in opposition to HB 2188. Expresses concerns with section one of HB 2188. States she feels section one will have some unintended consequences.
118	Sanders	Continues expressing concerns with section one of HB 2188, suggests

		amendments.
135	Lynch	Notes the intent was not to change the eligibility for limited exemptions. Addresses valid limited exempt certificates.
165	Angstrom	Reads HB 2188 with the -4 amendments. Discusses the intent of HB 2188.
209	Rep. Kafoury	Asks why the language "as of" was changed to "in existence on."
212	Lynch	Answers the date of eligibility remains the same.
225	Angstrom	Comments that the language "in existence on" is more clear than "as of."
235	Rep. Kruse	Asks for clarification on where the language that makes reference to the footprint is in HB 2188.
239	Angstrom	Responds to Rep. Kruse's question.
242	Chair Welsh	Closes public hearing HB 2188 and opens a work session on HB 2188.
<b><u>HB 2188 WORK SESSION</u></b>		
<b>250</b>	<b>Chair Welsh</b>	<b>MOTION: Moves to FURTHER AMEND HB 2188-3 amendments dated 03/18/99 by deleting lines 7 and 8 and by inserting "The Department shall require erosion stabilization for limited exempt sites upon completion of mining."</b>
<b>256</b>		<b>VOTE: 9-0</b>
	<b>Chair Welsh</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
264	Rep. Kruse	Clarifies the conceptual amendment.
275	Chair Welsh	Explains the language in the -3 amendments.
<b>279</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves to ADOPT HB 2188-2 amendments dated 03/18/99.</b>
		<b>VOTE: 9-0</b>

	Chair Welsh	Hearing no objection, declares the motion CARRIED.
288	Rep. Kruse	<b>MOTION: Moves to ADOPT HB 2188-3 amendments dated 03/19/99 AS AMENDED.</b>
289		<b>VOTE: 9-0</b>
	Chair	Hearing no objection, declares the motion CARRIED.
295	Rep. Kruse	<b>MOTION: Moves to ADOPT HB 2188-4 amendments dated 03/18/99.</b>
298		<b>VOTE: 9-0</b>
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
300	Rep. Kruse	<b>MOTION: Moves HB 2188 to the floor with a DO PASS AS AMENDED recommendation.</b>
303	Rep. Devlin	States he will vote for HB 2188 as amended, but will research it before it comes to the floor.
327	Rep. Merkley	Asks for clarification on the on the intent of lines 10-12 in HB 2188.
338	Lynch	Answers the idea is to clear up any doubt in establishing a "footprint."
382	Angstrom	Further clarifies lines 10-12 in HB 2188.
406	Lynch	Comments on limited exempt certificates.
<b>TAPE 77, B</b>		
007	Rep. Kruse	Comments that only a small amount of mine owners will request to be "grandfathered" in.
009	Angstrom	Agrees with Rep. Kruse's comment.

015	Rep. Gianella	Asks which lines of HB 2188 Rep. Merkley's earlier question was addresses to.
018	Rep. Merkley	Answers lines 10-12.
<b>020</b>		<b>VOTE: 9-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Welsh</b>	<b>The motion CARRIES.</b>
031	Chair Welsh	Closes work session.
032	Rep. Taylor	Opens public Hearing on HB 3134.
<b><u>HB 3134 PUBLIC HEARING</u></b>		
038	Don Hull	Department of Geology and Mineral Industries (DOGAMI). <b>(EXHIBIT F)</b> . Discusses DOGAMI's role in crafting HB 3134.
071	Don Schellenberg	Oregon Farm Bureau (OFB). Testifies in support of HB 3134. Addresses the benefits of inventory as indicated in HB 3134.
090	Rep. Taylor	Closes public hearing on HB 3134 and opens a public hearing on HB 2866.
<b><u>HB 2866 PUBLIC HEARING</u></b>		
095	McNitt	Summarizes HB 2866.
104	Dan Linscheid	Surveyor, Yamhill County - President of the Oregon Association of County Surveyors (OACS). Testifies in opposition to HB 2866. Expresses concerns with HB 2866 <b>(EXHIBIT G)</b> .
120	Rep. Taylor	Asks for definition of "media" in the context of HB 2866.
125	Linscheid	Defines "media." Provides an examples of plat in <b>EXHIBIT G</b> .
189	Rep. Gianella	Asks for definition of "plat"
192	Linscheid	Defines "plat."

198	Rep. Gianella	Asks Linscheid to readdress his main concerns with HB 2866.
212	Linscheid	Clarifies that his main concern is plat review per ORS 209.250. Discusses that concern.
219	Rep. Morgan	Asks if the examples in <b>EXHIBIT G</b> are a representation of what is regularly seen by surveyors.
224	Linscheid	Answers the plat reports vary.
249	Rep. Morgan	Asks Linscheid if he has any ideas on how the surveyor's process could be sped up.
258	Linschied	Asks what district Rep. Morgan is from.
260	Rep. Morgan	Answers Deschutes county.
262	Linschied	Addresses problems with the checking process.
272	Rep. Morgan	Asks what is the onus on a surveyor when checking for errors on a plat report.
275	Linschied	Comments that limiting surveyors by not allowing them to check for violations beyond ORS 209.250 will harm the public.
291	Rep. Morgan	Questions what HB 2866 is attempting to fix.
300	Rep. Devlin	Asks if Linschied is representing the OACS with his testimony.
307	Linschied	Answers he is representing the seven members of the OACS that attended a meeting held to discuss HB 2866.
311	Rep. Devlin	Asks if Linschied is expressing his reservations about HB 2866 and also those of other members of OACS.
315	Linschied	Answers yes.
319	Rep. Merkley	Asks for clarification on checking encroachments.
325	Linschied	Clarifies enroachments.
340	Rep. Merkley	Asks for clarification on how HB 2866 prevents surveyors from taking notice of

		encroachments.
346	Linschied	Comments that the idea is to take care of any problems before the plat is filed.
355	Rep. Merkley	Asks if Linschied means that making intermediate points makes it much easier to see if something crosses the boundary.
358	Linschied	Answers yes.
366	Bob Nettleton	Marion and Polk County surveyor. Testifies in opposition to HB 2866 <b>(EXHIBIT H)</b> . Comments that HB 2866 dilutes the county surveyor's responsibility to protect the safety, health and welfare of the public. Explains the time line of the checking process. Discusses the issue of median.
<b>TAPE 78, B</b>		
013	Rep. Gianella	Asks for clarification on the last page of <b>EXHIBIT H</b> .
027	Nettleton	Addresses section 6 of HB 2866.
049	Rep. Gianella	Asks for clarification of "silver halide" permanent photocopy.
050	Nettleton	Explains the photographic process.
057	Rep. Gianella	Asks a for definition of "mylar."
053	Nettleton	Defines mylar.
063	Rep. Merkley	Asks if Nettleton is satisfied with the removal of the section on page 2 of HB 2866 relating to geodetic control mining.
070	Nettleton	Answers yes
075	Robert Havden	Multnomah, County Surveyor and Member of OACS Board of Directors for OACS. Testifies in opposition to HB 2866. Address the differences between a plat and a survey.
112	Rep. Gianella	Asks where HB 2866 addresses requirements of approval.
115	Havden	Answer page 6 lines 3-4. Reads that section of HB 2866.



136	Diana Madarieta.	Professional Land Surveyors Association (PLSA). States that HB 2866 did not come out of legislative counsel in its requested form and the amendments are being prepared.
147	Grege Crites	Registered Professional Land Surveyor. Explains the intention of HB 2866. States that there is a subjective approach to review of plats. Discusses problems with subjective review.
202	Rep. Morgan	Asks for an example of when a county surveyor would render a professional judgement.
205	Crites	Provides an example. Discusses the boundary resolution process.
255	Rep. Taylor	Asks if boundary resolutions resolved at the professional surveyor level would take longer than at the county surveyor level.
265	Crites	Comments that most plats do not suffer delays. Adds that HB 2866 is not complete and should be revised.
286	Madarieta	Addresses the concern of median.
298	Rep. Gianella	Asks how the Secretary of State could determine the best media speed up the process
302	Madarieta	Answers that the idea is to get the best available technology to store the records for the longest amount of time.
305	Rep. Gianella	Asks if Madarieta has the proposed amendments to HB 2866.
312	Madarieta	Answers no.
315	Rep. Gianella	Asks if the amendments are additions and not deletions.
321	Madarieta	Answers yes.
323	Charles Stern	Yamhill County Clerk. States that similar legislation to HB 2866. States that the legislation should be combined. Notes opposition exists.
346	Rep. Devlin	Asks if records could be converted into digital format
356	Madarieta	Answers yes, but problems occur in long term storage.

379	Rep. Taylor	Closes public hearing on HB 2866 and adjourns meeting at 3:00.
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Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,  
Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A - HB 2188, -2 amendments, Staff, 1 p.**

**B - HB 2188, -3 amendments, staff, 1 p.**

**C - HB 2188, -4 amendments, staff, 1 p.**

**D - HB 2188, written testimony, Gary Lynch, 2 pp.**

**E - HB 2188, conceptual amendment to the -3 amendments, Rich Angstrom, 1 p.**

**F - HB 3134, written testimony, Don Hull, 3 pp.**

**G - HB 2866, written testimony, Dan Linscheid, 15 pp.**

**H - HB 2866, written testimony, Bob Nettleton, 6 pp.**