

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

February 16, 1999 Hearing Room 50

4:30 PM Tapes 26 - 27

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Rep. Bob Jenson, Vice-Chair

Sen. David Nelson

Sen. Veral Tarno

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Susan Morgan

Rep. Terry Thompson

MEMBER EXCUSED: Sen. Ginny Burdick, Vice-Chair

Sen. Joan Dukes

Rep. Lynn Lundquist

Rep. Bruce Starr

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: SB 131 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.

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TAPE/#	Speaker	Comments
TAPE 26, A		
004	Chair Messerle	Calls the committee to order at 4:45 p.m. Announces that there will not be a presentation on Measure 66 today. Opens the public hearing on SB 131.
<u>SB 131 PUBLIC HEARING</u>		
019	Louise Solliday	Governor's Watershed Enhancement Board. Submits written material (EXHIBIT A) and testifies in support of SB 131.
068	Chair Messerle	Asks if the federal law created by S. 543 provides liability coverage.
072	Solliday	Responds that this federal law exempts government entities and non-profit corporations from liability. Notes that there are approximately 12 watershed councils that are non-profit corporations and are covered by this law.
082	Chair Messerle	Asks how many watershed councils there are in the state and how many do not qualify for coverage through the soil and water conservation districts (SWCDs).
084	Solliday	Responds that there are approximately 85 councils and none of them qualify for liability insurance through soil and water conservation districts.
093	Chair Messerle	Notes that in his experience serving on a soil and water conservation district the SWCD was actively involved with the watershed council.
099	Solliday	States that the arrangement has to be a very clear arrangement where the district board hires, supervises, and develops the work assignment for the employee.
103	Rep. Kruse	Notes that the liability coverage for districts includes associate directors and that it covers people who are doing work of the district. Asks if there is a way to put a relationship in place between the district and the watershed council in order to provide liability coverage.
118	Solliday	Responds that this is possible, but it would have to be done in a manner that would allow the liability protection the districts offer to roll over to the councils and their volunteers.
135	Rep. Kruse	Asks if letting the money pass through the district to the watershed council would establish this relationship.
138	Solliday	Responds that it would not.

139	Rep. Kruse	Notes that the mission of a soil district and the mission of a watershed council are not inconsistent with each other. States that it should not require that much of an adjustment to create an environment that would comply with the law and have the coverage happen through the district rather than create another body of liability law.
153	Solliday	Notes that GWEB spent a lot of time talking with the Attorney General's Office and the Department of Administrative Services trying to figure out other alternatives to SB 131.
158	Chair Messerle	Suggests that the committee will want to hear from John Millott before moving forward on SB 131.
176	Dan Hartman	Risk Management Division Administrator, Department of Administrative Services (DAS). Submits written material (EXHIBIT B) and testifies in support of SB 131.
226	Hartman	Continues testimony in support of SB 131.
251	Chair Messerle	Asks Mr. Hartman if he sees any need for improvement in the bill.
255	Hartman	Responds that he has two minor suggestions for changes to SB 131.
284	Rep. King	States that he would like to know how to discern when a watershed council is operating at the direction of the state and when they are operating on their own direction.
296	Rep. Kruse	Asks if it would be possible to develop a relationship between a soil district and a watershed council to provide liability coverage to the council through the district.
300	Hartman	Responds that it is possible.
313	Rep. Kruse	Notes that an associate director is covered if they are on district business.
324	Hartman	States that they are covered if they are performing activities that are defined in their role.
336	Rep. Kruse	Notes that there is room in the bill to look at various options.
344	Bill Boone	Chairman, Necanicum Watershed Council. Notes that he submitted written testimony earlier. Testifies in support of SB 131.
361	Chair Ferrioli	States that for him the issue is the confusion and uncertainty in regard to liability

		coverage for watershed council volunteers.
379	Boone	Notes that his watershed council has no formal relationship with the soil and water district in their county.
383	Chair Ferrioli	Asks Mr. Boone if his council is doing projects that could create liabilities.
384	Boone	Responds that his council did projects last summer and there are more planned.
387	Chair Ferrioli	Asks for clarification that the Necanicum Watershed Council just went ahead with this work.
388	Boone	Responds that they had to either spend the money on liability insurance or do the work they are supposed to be doing.
TAPE 27, A		
003	Lloyd Marbet	Co-Chair, Clackamas River Basin Council. Submits and reads written testimony in support of SB 131 (EXHIBIT C).
068	Chair Ferrioli	Closes the public hearing on SB 131. Adjourns the committee at 5:19 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 131, written material, Louise Solliday, 9 pp.

B ñ SB 131, written material, Dan Hartman, 2 pp.

C ñ SB 131, written testimony, Lloyd Marbet, 3 pp.