

**SENATE COMMITTEE ON WATER AND LAND USE**

May 18, 1999 Hearing Room B

1:00 p.m. Tape 83

**MEMBERS PRESENT: Sen. Veral Tarno, Chair**

**Sen. Tony Corcoran, Vice-Chair**

**Sen. Gary George**

**MEMBER EXCUSED: Sen. Marylin Shannon**

**Sen. Thomas Wilde**

**STAFF PRESENT: Raymond J. Kelly, Administrator**

**Diana Bronson, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2406 Public Hearing**

**SB 1318 Work Session**

**HB 2188 Public Hearing and Work Session**

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
<b>TAPE 83, A</b>		
003	Chair Tarno	Opens meeting at 1:19 p.m. and opens public hearing on HB 2406.
<b><u>HB 2406 PUBLIC HEARING</u></b>		
009	Art Schlack	Association of Oregon Counties. Testifies in support of HB 2406. States that HB 2406 extends the sunset that was established in the 1995 Legislative Session.

		States HB 2406 passed in the House 52 ñ 0.
025	Chair Tarno	Asks if a funding package was included in the Governorís proposed budget.
026	Schlack	Replies that the base budget for the Department of Land and Conservation Department does include monies for the regional problem solving project.
029	Chair Tarno	Inquires as to the area south of LaPine that was subdivided years ago with a high water table and asks if this area is part of the problem solving project.
033	Schlack	Replies that Deschutes County is one of the regional problem solving pilot programs, at this time, and the LaPine area is included in.
042	Sen. Corcoran	Asks why is there only a two-year sunset.
043	Schlack	States that HB 2406 initially started in the House with a different body of legislation and it was the House Committee that amended the bill and provided the two-year extension. States the AOC is fine with the two-year sunset rule.
052	Sen. Corcoran	Asks if anyone came in opposition once HB 2406 was amended to deal with the regional problem solving project.
054	Schlack	Replies that there was no opposition.
065	Bob Rindy	Department of Land Conservation and Development (DLCD). States the two-year extension was never explained in the House. States the DLCD has proposed legislation to remove the sunset because the new regional problem solving program is something counties are going to want to avail themselves of. States that what will happen is when the two-year sunset comes about, it will come back into legislation to obtain another extension.
080	Chair Tarno	States he agrees with Rindy regarding the two-year sunset. Closes public hearing on HB 2406. Opens work session on SB 1318. Explains to Sen. George and Sen. Corcoran that there is a House bill along the same lines as SB 1318 that the committee will probably want to work, as opposed to SB 1318. States he spoke with the Governorís office and thinks the committee should pass SB 1318 out in case the Senate has a hard time getting the House bill and worked through the process. Asks about the amendments.
<b><u>SB 1318 WORK SESSION</u></b>		
103	Ray Kelly	Committee Administrator. States the last time the committee met on SB 1318 there were ñ1 amendments and there was a discussion over the term "utility facility" versus "natural gas pipeline." States the ñ2 amendments clarify that a natural gas pipeline is to be buried at least four feet below ground surface. Submits ( <b>EXHIBIT A</b> ).

111	Sen. Corcoran	<b>MOTION: Moves to ADOPT SB 1318-2 amendments dated 05/14/99.</b>
		<b>VOTE: 3-0</b> <b>EXCUSED: 2 ñ Wilde, Shannon</b>
	Chair Tarno	<b>Hearing no objection, declares the motion CARRIED.</b>
114	Sen. Corcoran	<b>MOTION: Moves SB 1318 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 3-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 ñ Wilde, Shannon</b>
	Chair Tarno	<b>The motion CARRIES.</b>  <b>SEN. TARNO will lead discussion on the floor.</b>
120	Chair Tarno	Closes work session on SB 1318 and asks Cleary, Division of State Lands, to keep track of the House bill and to keep the committee informed. Opens public hearing on HB 2188.
<b><u>HB 2188 PUBLIC HEARING</u></b>		
134	Gary Lynch	Department of Geology and Mineral Industries (DOGAMI). Presents <b>(EXHIBIT B)</b> . States that HB 2188 will clarify and strengthen the Mined Land Reclamation Act. Testifies in support of HB 2188.
187	Sen. George	Asks how HB 2188 will maintain the confidentiality practices of DOGAMI.
190	Lynch	States the department currently has the ability to keep production records, trade secrets, and mineral assessments confidential.
202	Sen. George	Asks, in a reclamation plan, can the department control information that is given to another agency.

210	Lynch	Replies that on an approved reclamation plan, the files are always open to the public. States it is only the draft reclamation plans that are kept confidential. States there was no opposition from the industry, so the draft reclamation plans will continue to be confidential along with production records, trade secrets, and mineral assessments.
221	Sen. George	Asks for explanations for the options on the limited site after a fee is paid.
224	Lynch	Replies that, currently, if a party plans to operate a site, a fee is paid. If the party decides they are not going to operate that site, there is no fee.
239	Sen. George	Asks if an "end of agreement fee" would apply.
243	Lynch	Replies it is an annual fee of \$635.00.
247	Sen. George	Asks what it takes to reopen a site.
250	Lynch	Replies that if HB 2188 passes then the fee would be maintained and when a project comes by, the party can mine it, but if there was no fee paid, there will be no grandfathered provisions.
264	Rich Angstrom	Managing Director, Oregon Concrete and Aggregate Producers Association (OCAPA). States that HB 2188 will clarify the whole mine-land reclamation statutes.
324	Angstrom	Continues testimony in support of HB 2188.
350	Chair Tarno	Closes public hearing and opens work session on HB 2188.
<b><u>HB 2188 WORK SESSION</u></b>		
357	Sen. Corcoran	<b>MOTION: Moves HB 2188A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 3-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Wilde, Shannon</b>
Chair Tarno		<b>The motion CARRIES.</b>

		<b>SEN. CORCORAN will lead discussion on the floor.</b>
365	Chair Tarno	Closes work session on HB 2188 and adjourns meeting at 2:43 p.m.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ SB 1318, proposed amendments, LC staff, 2 pp.**

**B ñ HB 2188, written testimony, Gary Lynch, 2 pp.**