

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 13, 1997 Hearing Room D

08:30 AM Tapes 23 - 25

MEMBERS PRESENT:

Rep. Charles Starr, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Dennis Luke

Rep. Ken Messerle

Rep. Kurt Schrader

Rep. Judith Uherbelau

Rep. Larry Wells

MEMBER EXCUSED:

STAFF PRESENT:

Judith Gruber, Administrator

Linda Kowal, Administrative Support

MEASURE/ISSUES HEARD:

HB 2070 Work session

HB 2133 Public hearing & work session

HB 2448 Public hearing

HB 2496 Public hearing

HB 2449 Public hearing

LC 3154 Introduce committee bill

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.

	Speaker	Comments
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Tape/#		
Tape number 22 does not exist		
TAPE 23, A		
009	Chair Starr	Calls meeting to order at 8:30 am and opens work session on HB 2070.
<u>HB 2070 WORK SESSION</u>		
	Judith Gruber	Policy Analyst, gives an overview of HB 2070.
025	Rep. Luke	MOTION: Moves HB 2070 to the floor with a DO PASS recommendation.
030		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Messerle (see meter number 190)
	Chair Starr	The motion CARRIES. REP. LUKE will lead discussion on the floor.
	Chair Starr	Closes work session on HB 2070, opens public hearing on HB 2133
<u>HB 2133 PUBLIC HEARING</u>		
043	Steve Jacky	Assistant State Forester, Administrative Services, Oregon Department of Forestry.
049	Rep. Uherbelau	Asks why the state pays money towards fire suppression on private land.
052	Jacky	Responds that most of the forest lands are available for public use therefore it is a shared responsibility. Statute, Chapter 477.
059	Rep. Luke	Comments that the landowners are also required to share in the fire suppression.
064	Chair Starr	Asks when the 50/50 cost share was changed.
067	Jacky	Responds in 1989 the 50/50 rule took effect state wide, prior to 1989 the 50/50 rule was applied to eastern Oregon only.
078	Rep. Schrader	Has there been any review on the proportion since there are more homes being built on forest lands.
081	Jacky	Gives the costs the landowners are paying.
082	Rep. Luke	Asks, isn't there a process for assessing the cost of fighting a fire if the person who caused it is determined.

100	Jacky	Affirmative. That person would be responsible for the total cost.
105	Rep. Messerle	Asks how does the process change for a landowner who has a permit for slash burning and the fire gets out-of-control.
110	Jacky	States "there is a specific landowner liability statute that makes them responsible for up to \$300,000 of the cost, of any fire, that starts within what we refer as an operations area. Whether they start it or don't start it, because, they essentially created an additional hazard as a result of their operation, or in this case, slash burning. If they were negligent in the start of that fire then their liable for 100 percent of the cost."
117	Rep. Messerle	Asks about and refers to a situation where a slash burner gets a permit the day of the fire and the wind shifts.
124	Jacky	Responds they would fall under the \$300,000 cap.
126	Rep. Wells	Wants to clarify that the cost share used to be 50/50, then in 1995 the state paid 45 percent, the landowner 55 percent. Refers to section 2 and asks are they doing something other than extending the sunset.
137	Jacky	Responds each biennium they change the dates of the sunset.
147	Rep. Wells	Clarifies that there are increases in the language because otherwise it would fall back to the 50/50.
152	Chair Starr	Asks is this the second or third biennium.
154	Jacky	Responds this will be the fourth.
157	Chair Starr	States there is not subsequent referral on this.
160	Rep. Luke	Rep. Luke states that it is in the Governor's budget.
142	Chair Starr	Closes the public hearing on HB 2133, opens work session on HB 2133.
<u>HB 2133 WORK SESSION</u>		
166	Rep. Thompson	MOTION: Moves HB 2133 to the floor with a DO PASS recommendation.
178		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Starr	The motion CARRIES. REP. WELLS will lead discussion on the floor.
<u>190</u>	Rep. Schrader	MOTION: Moves to SUSPEND the rules for the purpose of Rep. Messerle to vote on HB 2070.
	Chair Starr	Hearing no objection, declares the motion CARRIED.

	Chair Starr	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. MESSERLE to BE RECORDED as voting AYE on HB 2070
		Hearing no objection, declares the motion CARRIED.
200	Chair Starr	Closes work session on HB 2133 and opens public hearing on HB 2448
<u>HB 2448</u> <u>PUBLIC</u> <u>HEARING</u>		
203	Rich Angstrom	Executive Director for Oregon Concrete Aggregate Producers Association (OCAPA). Goes through the bill and outlines the intent by section. (EXHIBIT A)
269	Angstrom	Refers to subsection 2 on page 2. States that OCAPA sponsored this bill.
281	Rep. Schrader	Asks for the procedure of notices to be repeated.
285	Angstrom	Details the procedures.
299	Rep. Uherbelau	Refers to section 1 page 1. Asks why they want to eliminate the time period.
315	Angstrom	Responds there needs to be some flexibility according to the deficiency. It allows the Department of Geology and Mineral Industries (DOGAMI) to look at this on a factual basis.
332	Rep. Uherbelau	States the change does not require commencing within a specified time, asks is this what they intended.
344	Angstrom	Reads line 11 on the bill. May versus shall. Asks if he understands her correctly.
356	Rep. Uherbelau	Responds with regard to time to commence corrective action.
364	Rep. Messerle	Asks is this bill to allow the industry to show it has more control which may allow some of the aggregate areas to be mined.
382	Angstrom	Responds in a perceptual way, yes. However, this bill is to allow DOGAMI the flexibility to keep OCAPA in check.
408	Rep. Uherbelau	Asks if OCAPA would consider keeping the 30 days.
434	Chair Starr	Refers to bill, regarding notice of commencing action. Calls Gary Lynch to help with this testimony.
TAPE 24, SIDE A		
027	Gary Lynch	DOGAMI states the 30 days be reduced or be discretionary, the main idea is to clarify and strengthen penalty language. (EXHIBIT B)
071	Rep. Uherbelau	States she would like to see some language that gives parameters.

087	Lynch	States their intent is to tailor the penalty for low risks violations. For major violations, high risks to human health or safety, the civil penalty requires that the operator respond back to them within 72 hours with a plan.
126	Rep. Uherbelau	States the language needs to have a commencing time.
139	Lynch	Continues with testimony on time restrictions.
132	Rep. Schrader	Agrees there needs to be some language in regard to commencing.
145	Rep. Luke	Asks "for the record, does the department support the -1 amendment."
146	Lynch	Responds affirmatively.
147	Chair Starr	States he will allow Rep. Uherbelau to work with Richard Angstrom and DOGAMI with regard to language.
154	Chair Starr	Closes public hearing on HB 2448, opens public hearing on HB 2496.
<u>HB 2496</u> <u>PUBLIC</u> <u>HEARING</u>		
161	Richard Angstrom	States he works with Rich Angstrom, OCAPA. Passes a picture of a reclamation to the committee. Testifies on the intent of HB 2496 which is basically to tighten the permitting system. (EXHIBIT C)
218	Rep. Uherbelau	Wants to address the last sentence in the staff measure summary which refers to work outside the permit boundary.
228	Angstrom	Responds the setbacks are on their property.
239	Rep. Luke	States the setbacks are already being used to reduce the impact to the area surrounding the mining area. Are you asking to rearrange the setbacks when the mining is done so it ties into the surrounding area.
248	Angstrom	Responds this gives them the flexibility to provide this compatibility, if approved.
255	Rep. Wells	Clarifies that they are doing this in some areas but they want clear language in the statutes.
261	Angstrom	Responds to avoid questions and to provide incentives.
268	Rep. Schrader	States he likes the intentions. He has some concern for off-site protection while contouring is going on.
273	Angstrom	Responds that the Mined Land Reclamation program (MLR) and the counties are reviewing this.
295	Rep. Schrader	Expands on his concern.
307	Angstrom	Refers to a situation involving American Sand and Gravel, states that it is an example of a non-conforming use.

321	Rep. Uherbelau	Asks does the county planner look at the reclamation projects.
328	Angstrom	States in the 1989 or 1991 legislature, a full range of options was provided to the counties to be involved and the process is working well.
341	Chair Starr	Asks Judith to explain why that sentence was put in the staff measure summary.
344	Judith Gruber	Explains that there was no ORS reference and that it may not fall under the MLR program and wanted to alert the members.
359	Chair Starr	Calls Gary Lynch, (EXHIBIT D)
364	Gary Lynch	States that DOGAMI and industry both believe that this is a good bill.
381	Rep. Luke	Asks Lynch if they support the amendment.
385	Lynch	Wants to clarify for the record, "the county establishes the secondary beneficial use for all mining projects..."
415	Chair Starr	Closes public hearing on HB 2496, opens public hearing on HB 2449.
TAPE 23, B WOULD NOT RECORD		
TAPE 25, A		
<u>HB 2449 PUBLIC HEARING</u>		
005	Rich Angstrom	OCAPA, States that HB 2449 amendment (EXHIBIT E) is sponsored by OCAPA and that it is designed to provide the <u>reasonable</u> assurance that groundwater is being protected. Gives an example of what stimulated this bill.
042	Angstrom	Continues with stating that this bill will allow DOGAMI to work with the other agency's to coordinate the monitoring of test wells.
061	Rep. Schrader	Asks who would have ultimate authority.
062	Angstrom	Responds that the department imposing the requirements may enter into agreements.
071	Schrader	Clarifies, that the agency who is responsible for a particular area has ultimate authority, however, they may be responsive to another agency that has a better appreciation for the endeavor that is being regulated.
077	Angstrom & Lynch	Responds affirmatively.
078	Rep. Luke	Makes a statement regarding the possibility of polluting the groundwater when digging test wells.

082	Angstrom	Discusses his conversation with the Department of Environmental Quality (DEQ).
095	Lynch	States their support for HB 2449 (EXHIBIT F). Refers to section 1 and states there should be a review of new and existing rules to be sure there is no conflict. Section 2 allows DOGAMI to coordinate and share resources.
126	Rep. Schrader	Asks if there is any opposition from DEQ or Water Resources.
128	Lynch	Responds that he left a message with DEQ and did not get a return call.
133	Chair Starr	States that the witness who had to leave, assured the committee that Lynch would convey their support of the bill.
140	Rep. Messerle	Refers to number 2 reads, "the department and any other state agency imposing requirements for monitoring wells, may enter into agreements" and asks should that be "shall" instead of "may".
148	Angstrom	States that "shall" takes away the flexibility, and that "may" is the correct word.
154	Chair Starr	States this will come back for work session, and to have the amendments drafted. Closes public hearing, opens work session for introduction of committee bill.
<u>LC 3154</u> <u>INTRODUCE</u> <u>COMMITTEE</u> <u>BILL</u>		
162	Chair Starr	States that the introduction of a committee bill is a courtesy and does not indicate members support of the bill.
166	Rep. Luke	MOTION: Moves LC 3154 dated February 11, 1997 BE INTRODUCED as a committee bill.
170	Rep. Uherbelau	Asks where this idea came from.
171	Chair Starr	Responds that it came from the growers.
183	Chair Starr	Asks if there are any objections.
184	Chair Starr	Hearing no objection, declares the motion CARRIED . (LC 3154 is introduced as HB 2784)
185	Chair Starr	Adjourns meeting.

Submitted By, Reviewed By,

Linda Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

- A - HB 2448, proposed -1 amendment, staff 1 p.**
- B - HB 2448, written testimony, Gary Lynch, 1 p.**
- C - HB 2496, proposed amendment, Richard Angstrom, 1 p.**
- D - HB 2496, written testimony, Gary Lynch, 1 p.**
- E - HB 2449, proposed amendment, Richard Angstrom, 1 p.**
- F - HB 2449, written testimony, Gary Lynch, 1 p.**

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 13, 1997 Hearing Room F

03:00 PM

MEMBERS PRESENT:

Rep. Charles Starr, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Ken Messerle

Rep. Kurt Schrader

MEMBER EXCUSED: Rep. Dennis Luke

Rep. Judith Uherbelau

Rep. Larry Wells

STAFF PRESENT:

Judith Gruber, Administrator

Linda Kowal, Administrative Support

MEASURE/ISSUES HEARD:

Water Quality Issues from the Federal Perspective:

Environmental Protection Agency, Chuck Findley, Region X Deputy Director

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Tape/#	Speaker	Comments
Joint meeting with Senate Committee on Agriculture and Natural Resources, Senate Committee on Water and Land Use and House Committee on Water Policy. Please see minutes from House Committee on Water Policy dated February 13, 1997.		

Submitted By, Reviewed By,

Linda Kowal, Judith Gruber,

Administrative Support Administrator