

HOUSE COMMITTEE ON WATER POLICY

May 15, 1997 Hearing Room H-170

3:00 p.m. Tape 82 - 83

MEMBERS PRESENT: Rep. Ken Messerle, Chair

Rep. Tim Josi, Vice-Chair

Rep. Jo Ann Bowman

Rep. Steve Harper

Rep. Jeff Kruse

Rep. Jim Welsh

MEMBER EXCUSED: Rep. Corcoran

STAFF PRESENT: Pat Zwick, Policy Analyst

Rebecca M. Scott, Administrative Support

MEASURE/ISSUES HEARD: HB 2003 Public Hearing

HB 3324 Work Session

SB 133 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
TAPE 82, A		
002	Chair Messerle	Calls meeting to order at 3:13 p.m.
<u>HB 2003 PUBLIC HEARING</u>		
003	Chair Messerle	Opens public hearing on HB 2003.
004	Pat Zwick	Policy Analyst, summarizes HB 2003 and submits the -1 amendments. (EXHIBIT A)
016	Pete Test	Representing Oregon Farm Bureau, submits and reviews testimony in

		support of HB 2003 and the -1 amendments. (EXHIBIT B)
066	Test	Continues review.
097	Joe Hobson	General Counsel, Oregon Farm Bureau, submits and discusses proposed amendments to HB 2003. (EXHIBIT C)
132	Chair Messerle	Asks Phil Ward and Langdon Marsh if they have reviewed the -1 amendments to HB 2003.
134	Langdon Marsh	Director, Department of Environmental Quality (DEQ). Has not had a chance to review the amendments. Testified previously regarding concerns with the measure, as written. The language seems to be over-broad to accomplish the intent. It appears to exclude all non-point sources from 401 certification. Another concern is the ways the waivers are expressed. There have been discussions with the Farm Bureau about what the objectives are. Simpler amendments could achieve this. In Sections 6 through 10, there are concerns about possible preemption problems with the federal government's forest plans.
177	Phil Ward	Assistant Director, Department of Agriculture (DOA). DEQ and DOA have worked on developing a process which met the constraints of the court's decision. Need to be careful that the situation is not made worse for the livestock producers. Would like the opportunity to meet with Mr. Marsh, Mr. Test, and Mr. Hobson to work on these amendments.
193	Chair Messerle	Asks if this could place more liability on operators.
196	Ward	Yes. Regarding the situation in Tiller, the issue there is compliance with the Federal Allotment Management Plan. DOA uses compliance with the plan to certify for 401.
209	Chair Messerle	Asks if something could be available by the first of next week.
211	Marsh	There will be a meeting tomorrow regarding a different issue, but perhaps this issue could be discussed afterwards.
216	Chair Messerle	Comments on his interest.
222	Doug Myers	Representing Oregon Environmental Council, submits and reviews testimony in opposition to HB 2003. (EXHIBIT D)
246	Chair Messerle	Closes public hearing on HB 2003.
<u>SB 133</u> <u>WORK</u> <u>SESSION</u>		
249	Chair Messerle	Opens work session on SB 133.
257	Pat Zwick	Policy Analyst, summarizes SB 133 and submits the -2 (EXHIBIT E) -3 (EXHIBIT F) , and -4 amendments (EXHIBIT G) .

268	Todd Heidgerken	Representing Water for Life, discusses the minor language changes between the -2 and -4 amendments.
286	Zwick	Continues summary of SB 133 and the amendments.
292	Steve Applegate	Consultant, submits and reviews testimony in support of SB 133 and the -3 amendments. (EXHIBIT H)
342	Applegate	Continues review.
353	Martha Pagel	Director, Water Resources Department (WRD). WRD supports the concepts in both the -3 and -4 amendments. Have worked with the proponents and feel comfortable with the language. The issue is what measure to attach these amendments to.
364	Rep. Harper	Asks if it is just the amendments, or the entire measure being discussed.
366	Chair Messerle	Just the amendments. Asks if the amendments submitted by Steve Applegate are also being considered.
371	Pagel	There is some interest in either holding it all, or making a decision.
373	Chair Messerle	Asks if there was any problem with the amendments submitted by Mr. Applegate being attached to SB 133.
375	Pagel	No. Saw no problem with the -3 amendments because it seems very closely related to issues already covered in SB 133, and consistent with the intent.
394	Chair Messerle	Closes work session on SB 133.
<u>HB 3324</u>		
<u>WORK</u>		
<u>SESSION</u>		
395	Chair Messerle	Opens work session
<u>TAPE 83, A</u>		
004	Michael Cape	Submits and reads letter from Mr. William Rauch. (SEE EXHIBIT N FROM COMMITTEE MINUTES DATED 05/08/97)
021	Liz VanLeeuwen	State Representative, District 37, continues to read the letter received from Mr. Rauch, and also discusses the intent behind HB 3324.
074	Rep. Harper	Asks why the measure refers to wells.
076	Rep. VanLeeuwen	It is required that people hire a well driller to drill wells for testing soil or water contamination.
084	Chair Messerle	Comments that there is more to this issue than what HB 3324 will cover. There are two sides to this situation, and there needs to be more work done in order to create a more comprehensive piece of legislation.
090	Rep. VanLeeuwen	Agrees with Chair on this point.

99	Chair Messerle	Closes work session on HB 3324.
100	Chair Messerle	Adjourns meeting at 3:50 p.m.

Submitted By, Reviewed By,

Rebecca M. Scott, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2003, -1 Amendments dated 05/14/97, Staff, 5 pp.

B - HB 2003, Written Testimony, Pete Test, 2 pp.

C - HB 2003, Written Testimony, Joe Hobson, 5 pp.

D - HB 2003, Written Testimony, Doug Myers, 2 pp.

E - SB 133, -2 Amendments dated 05/13/97, Staff, 4 pp.

F - SB 133, -3 Amendments dated 05/15/97, Staff, 3 pp.

G - SB 133, -4 Amendments dated 05/15/97, Staff, 4 pp.

H - SB 133, Written Testimony, Steve Applegate, 1 p.