

- 055 **MOTION: REP. BEYER:** Moves the LC's listed on the agenda be moved as a block.
- 062 **CHAIR REPINE:** Asked staff to read and explain LC's .
- 065 **JANET ADKINS, POLICY ANALYST:** The first three bills that are listed are the Light Rail-related bills that were in SB 1156 from the July and August 1995 Special Session. LC 280-1 is the expedited land use procedure. **[EXHIBIT B]** 280-2 is the bi-state compact. **[EXHIBIT C]** LC 280-3 pertains to the funding for the Light Rail project. **[EXHIBIT D]**
- 076 **CHAIR REPINE:** Any discussion about the first three LC's? Hearing none, let's address the other seven.
- 080 **ADKINS:** LC 279 pertains to confined animal feeding operations and complaint procedures. **[EXHIBIT E]** LC 281 authorizes and funds up to four collaborative regional land-use problem-solving programs in the state. **[EXHIBIT F]** LC 282 directs the Fish and Wildlife Commission to issue up to three permits for activities to keep cormorants from feeding on juvenile salmonids. **[EXHIBIT G]** LC 283 grants immunity from civil and criminal liability based on noise or noise pollution from shooting range owners if they comply with noise control laws that were in effect when the range was built. **[EXHIBIT H]** LC 284 makes modifications to the Oregon Forest Practices Act and the rule-making authority of the Board of Forestry. **[Exhibit I]**
- 096 **CHAIR REPINE:** Asked staff to discuss the missing eleven lines that were added into LC 284.
- 097 **ADKINS:** Most of the seven bills we are now discussing were also part of SB 1156. This bill had eleven lines that were deleted from the bill that passed. Those eleven lines have been restored. LC 285 prohibits local jurisdictions from adopting and enforcing laws and rules regarding pesticides that are more restrictive than state standards but requires the Department of Agriculture to consider local government concerns as they administer the laws. **[EXHIBIT J]** LC 286 reduces from 10 to 7 miles the required distance from a retail gasoline station to a non-retail facility before they can give a conditional use permit that allows regular customers to use the current law. **[EXHIBIT K]**
- 113 **CHAIR REPINE:** That concludes the seven LC's. We will now have staff discuss LC 313. **[EXHIBIT L]**
- 116 **ADKINS:** That is the sine die resolution.
- 116 **CHAIR REPINE:** That is self explanatory. Any discussion?
- 119 **MOTION: REP. BEYER:** Moves the following LC's to be introduced: **280-1, 280-2, 280-3, 279, 281, 282, 283, 284, 285, 286 and 313.**
- 128 **VOTE: CHAIR REPINE:** Hearing no objections, the motion **CARRIES.** All members are present.
- 131 **CHAIR REPINE:** Adjourned at 10:25 AM.

LC :
1/22/96 (TC/cc/hl)

D R A F T

SUMMARY

Grants immunity from civil action or criminal prosecution in any matter relating to noise or noise pollution from shooting range so long as owners, operators or lessees of range complied with noise control laws at time construction began or no noise control law was then existing. Prohibits court from enjoining operation of shooting range on basis of noise if owners, operators or lessees of range complied with applicable noise control laws at time construction began or no noise control law was then existing.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to shooting ranges; creating new provisions; amending ORS 467.020
3 and 467.030; repealing ORS 467.130, 467.132, 467.135 and 467.137 and
4 sections 40c and 40d, chapter 3, Oregon Laws 1995 (special session); and
5 declaring an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1. Section 40c, chapter 3, Oregon Laws 1995 (special ses-**
8 **sion) (amending ORS 467.020) is repealed.**

9 **SECTION 2. ORS 467.020 is amended to read:**
10 **467.020. Except as provided in sections 6 and 8 of this 1996 Act, no**
11 **person may emit, cause the emission of, or permit the emission of noise in**
12 **excess of the levels fixed therefor by the Environmental Quality Commission**
13 **pursuant to ORS 467.030.**

14 **SECTION 3. Section 40d, chapter 3, Oregon Laws 1995 (special ses-**
15 **sion) (amending ORS 467.020) is repealed.**

16 **SECTION 4. ORS 467.030 is amended to read:**
17 **467.030. (1) In accordance with the applicable provisions of ORS 183.310**
18 **to 183.550, the Environmental Quality Commission shall adopt rules relating**
19 **to the control of levels of noise emitted into the environment of this state**

1 and including the following:

2 (a) Categories of noise emission sources, including the categories of motor
3 vehicles and aircraft.

4 (b) Requirements and specifications for equipment to be used in the
5 monitoring of noise emissions.

6 (c) Procedures for the collection, reporting, interpretations and use of
7 data obtained from noise monitoring activities.

8 (2) The Environmental Quality Commission shall investigate and, after
9 appropriate public notice and hearing, shall establish maximum permissible
10 levels of noise emission for each category established, as well as the method
11 of measurement of the levels of noise emission.

12 (3) The Environmental Quality Commission shall adopt, after appropriate
13 public notice and hearing, standards for the control of noise emissions which
14 shall be enforceable by order of the commission.

15 (4) In adopting noise control rules, levels and standards under this
16 section, the Environmental Quality Commission shall not adopt any
17 rule that would impose liability for any activity for which immunity
18 from civil and criminal liability is granted or for which an action for
19 nuisance is prohibited under sections 6 and 8 of this 1996 Act.

20 **SECTION 5.** ORS 467.130 is repealed and section 6 of this Act is en-
21 acted in lieu thereof.

22 **SECTION 6.** Any owner, operator or lessee of a rifle, pistol, silhou-
23 ette, skeet, trap, blackpowder or other shooting range in this state
24 shall be immune from civil or criminal liability based upon an
25 allegation of noise or noise pollution so long as:

26 (1) The allegation results from the normal and accepted activity on
27 the shooting range;

28 (2) The owner, operator or lessee complied with any applicable noise
29 control law or ordinance existing at the time construction of the
30 shooting range began or no noise control law or ordinance was then
31 existing; and

1 (3) The allegation results from activity on the shooting range oc-
2 ccurring between 7 a.m. and 10 p.m. or conducted for law enforcement
3 training purposes.

4 SECTION 7. ORS 467.132 is repealed and section 8 of this Act is en-
5 acted in lieu thereof.

6 SECTION 8. The owner, operator or lessee of a rifle, pistol, silhou-
7 ette, skeet, trap, blackpowder or other shooting range in this state
8 shall not be subject to any action for nuisance and no court in this
9 state shall enjoin the use or operation of such shooting range on the
10 basis of noise or noise pollution so long as:

11 (1) The allegation results from the normal and accepted activity on
12 the shooting range;

13 (2) The owner, operator or lessee complied with any applicable noise
14 control law or ordinance existing at the time construction of the
15 shooting range began or no noise control law or ordinance was then
16 existing; and

17 (3) The allegation results from activity occurring between 7 a.m.
18 and 10 p.m. or conducted for law enforcement training purposes.

19 SECTION 9. ORS 467.135 is repealed and section 10 of this Act is
20 enacted in lieu thereof.

21 SECTION 10. Any local government or special district ordinance or
22 regulation now in effect or subsequently adopted that makes a shoot-
23 ing range a nuisance or trespass or provides for its abatement as a
24 nuisance or trespass is invalid with respect to a shooting range for
25 which no action or claim is allowed under sections 6 and 8 of this 1996
26 Act.

27 SECTION 11. ORS 467.137 is repealed and section 12 of this Act is
28 enacted in lieu thereof.

29 SECTION 12. The exemption allowed under sections 6 and 8 of this
30 1996 Act for shooting activity conducted for law enforcement training
31 purposes shall be allowed only:

1 (1) For up to four nights a month; and

2 (2) After the owner, lessee or operator provides notice of the activ-
3 ity at least one week before the activity occurs by publication in a
4 newspaper of general circulation in a county in which the shooting
5 range is located.

6 SECTION 13. This Act being necessary for the immediate preserva-
7 tion of the public peace, health and safety, an emergency is declared
8 to exist, and this Act takes effect on its passage.
9

043 **ADKINS: HB 3483** Is the cormorant and juvenile salmonid bill that directs the Fish and Wildlife Commission to issue up to three permits for activities to protect juvenile salmonids from cormorants.

047 **REP. REPINE, Chair:** Anyone signed up to testify?

051 **JIM STEMBRIDGE, Committee Staff:** No.

052 Closes the PUBLIC HEARING on HB 3483
Opens the WORK SESSION on HB 3483

053 **MOTION: REP. MONTGOMERY:** Moves **HB 3483** be sent to the Floor with a **DO PASS** recommendation.

VOTE: REP. REPINE, Chair: Hearing no objection the motion **CARRIES. REP. CARTER** is **EXCUSED**.

REP. CARTER will lead discussion on the Floor.

066 Closes the WORK SESSION on HB 3483
Opens the PUBLIC HEARING on HB 3484

068 **ADKINS: HB 3484** Relates to noise and noise pollution of shooting ranges.

074 **REP. REPINE, Chair:** Anyone signed up? Staff are indicating no.

078 Closes the PUBLIC HEARING on HB 3484
Opens the WORK SESSION on HB 3484

080 **MOTION: REP. BEYER:** Moves that **HB 3484** be sent to the Floor with a **DO PASS** recommendation.

083 **VOTE: REP. REPINE, Chair:** Hearing no objection the motion **CARRIES. REP. CARTER** is **EXCUSED**.

084 **REP. MONTGOMERY** will lead discussion on the floor.

086 Closes the WORK SESSION on HB 3484
Opens the PUBLIC HEARING on HB 3485

Witnesses: Ray Wilkeson, Oregon Forest Industries Council
Representative Cedric Hayden, District 28

089 **ADKINS: HB 3485** Modifies harvesting and reforestation requirements under the Oregon Forest Products Act and modifies the Board of Forestry under that Act.

- 022 JANET ADKINS clarified they were except in the case of HB 3485 which added 11 lines that were inadvertently deleted in SB 1156.
- 024 SEN. TROW noted for the record he would vote in favor of some of the bills to more them forward, but would vote no on the floor.

Work Session - HB 3481

- 023 SEN. TROW opened a work session on HB 3481.
- 024 MOTION SEN. PHILLIPS moved HB 3481 to the floor with a do pass recommendation.
- 025 VOTE In a roll call vote, the motion passed 3-0-2. Members voting yes: Sens. Baker, Phillips, Trow. Members absent: Sens. Cease, Walden

Work Session - HB 3483

- 030 SEN. TROW opened a work session HB 3483
- 031 MOTION SEN. BAKER moved HB 3483 to the floor with a do pass recommendation.
- 033 VOTE In a roll call vote, the motion passed 3-0-2. Members voting yes: Sens. Baker, Phillips, Trow. Members absent: Sens. Cease, Walden

Work Session - HB 3484

- 036 SEN. TROW opened a work session HB 3484
- 038 MOTION SEN. PHILLIPS moved HB 3484 to the floor with a do pass recommendation.
- 040 VOTE In a roll call vote, the motion passed 3-0-2. Members voting yes: Sens. Baker, Phillips, Trow. Members absent: Sens. Cease, Walden

Work Session - HB 3485

113 SEN. TROW requested the record show him as voting no.

115 SEN. CEASE termed himself a "reluctant yes."

discussion

119 ORDER In a consensus poll by the Chair, the motion passed 3-1-1.
Members voting yes: Sens. Cease, Phillips, Walden.
Member voting no: Sen. Trow. Absent: Sen. Baker. (Sen.
Cease to carry)

Public Hearing & Work Session - HB 3484

120 CHAIR WALDEN opened a public hearing on HB 3484. No one came
foreword to testify. CHAIR WALDEN closed the public hearing.

118 CHAIR WALDEN opened a work session on HB 3484.

123 MOTION SEN. PHILLIPS moved HB 3484 to the Senate floor with
a do pass recommendation

127 SEN. CEASE noted for the record his no vote.

128 SEN. TROW noted for the record his yes vote with the reservation he might
vote no on the floor.

134 ORDER In a consensus poll by the Chair, the motion passed 3-1-1.
Members voting yes: Sens. Trow, Phillips, Walden.
Member voting no: Sen. Cease. Absent: Sen. Baker. (Sen.
Phillips to carry)

Public Hearing & Work Session - HB 3485

128 CHAIR WALDEN opened a public hearing on HB 3485. No one came
foreword to testify. CHAIR WALDEN closed the public hearing.

133 CHAIR WALDEN opened a work session on HB 3485

141 MOTION SEN. PHILLIPS moved HB 3485 to the Senate floor with
a do pass recommendation