

# SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

## TAPE LOG

April 5, 2007 Hearing Room B  
7:30 A.M. Tapes 45 – 46

**MEMBERS PRESENT:** Sen. Brad Avakian, Chair  
Sen. Jason Atkinson, Vice-Chair  
Sen. Roger Beyer  
Sen. Floyd Prozanski

**MEMBER EXCUSED:** Sen. Alan Bates

**STAFF PRESENT:** Sue Marshall, Committee Administrator  
Matthew Davis, Committee Assistant

**Measures or Issues Heard:** HB 2210 – Public Hearing  
HB 2211 – Public Hearing  
HB 2212 – Public Hearing

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

<b>TAPE # AND SIDE</b>	<b>COUNTER NUMBER</b>	<b>BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER</b>
<b>45A</b>	004	Chair Avakian calls the meeting to order at 7:34 a.m.
<b><u>HB 2210, HB 2211 and HB 2212– PUBLIC HEARING</u></b>		
	025	Sen. Vicki Walker, Senate District 7
	053	Chair Avakian
	056	Sue Marshall Committee
	097	Mike Graine, Department of Energy <b>(EXHIBITS A,B,C)</b>
	174	Sen. Atkinson
	175	Graine
	179	Chair Avakian
	185	Graine
	219	Chair Avakian
	220	Sen. Beyer
	224	Graine
	225	Sen. Beyer
	231	Graine
	232	Avakian
	237	Randy Leonard, City of Portland Commissioner <b>(EXHIBITS D,E)</b>
	261	Joseph Misek, Forest Policy Analyst, Department of Forestry <b>(EXHIBIT F)</b>
<b>45A</b>	280	Rob Bovett, Assistant County Counsel Lincoln County <b>(EXHIBIT G)</b>
	326	Sen. Atkinson
	334	Listen forestry
	353	Sen. Atkinson
	365	Forestry
	392	Chair Avakian

	396	Roger Martin Union Pacific Railroad
<b>46A</b>	001	Martin (continued)
	012	Thomas Endicott, SeQuential Pacific Biofeuls
	040	Charles Carlson, Cascade Grain Products
	070	Chair Avakian
	075	Paul Romain, Attorney Oregon Petroleum Association
	101	Bob Russell, Oregon Trucking Association
	138	Chair Avakian
	139	Jeff Krupp, Executive Director Oregon Renewable Fuels
	198``	Chair Avakian
	208	Lindsay Capps, Oregon Environmental Council
	240	Jeff Hildebrand, Oregon Trail Wind Farm, <b>(EXHIBIT H)</b>
	219	Chair Avakian
	281	K.C. Kortge, Wasco County Oregon <b>(EXHIBIT I)</b>
	310	Chair Avakian
	325	Brian Doherty, listen for affiliation
	385	Tom Gallagher, Chevron
	391	Chair Avakian
	399	Chris Beatty, Trillium Fiberfuels
<b>45B</b>	001	Beatty (continued)
	003	Tim Raphael, Director of Government Affairs for Pacific Ethanol <b>(EXHIBIT J)</b>
	021	Chair Avakian

**The following prepared testimony is submitted for the record without public testimony.**

Katie Fast, Associate Director if Government Affairs, Oregon Farm Bureau Federation **(EXHIBIT K)**  
Jenna Swearingen, Oregon Homebuilder’s Association **(EXHIBIT L)**  
Michael Grainey, Department of Energy **(EXHIBITS M,N,O)**  
Michael Mason, The Confederated Tribes of the Warm Springs Reservation of Oregon **(EXHIBIT P)**  
023 Chair Avakian adjourns the meeting at 8:36 am

**EXHIBIT SUMMARY**

- A. **HB 2210 B, written testimony, Michael Grainey, 5 pp**
- B. **HB 2211 B, written testimony, Michael Grainey, 2 pp**
- C. **HB 2212 A, written testimony, Michael Grainey, 1 p**
- D. **HB 2210 B, fact sheet, Randy Leonard, 2 pp**
- E. **HB 2210 B, written testimony, Randy Leonard, 2 pp**
- F. **HB 2210 B, written testimony, Joseph Misek,**
- G. **HB 2211 B, written testimony, Rob Bovett, 2 pp**
  - G. **HB 2212 A, written testimony, Rob Bovett, 2 pp**
  - G. **HB 2210 B, conceptual amendments, Rob Bovett, 2 pp**
- H. **HB 2211 B, written testimony, Jeff Hilderbrand, 1 p**
- I. **HB 2211 B, written testimony, K. C. Kortge, 1 p**
- J. **HB 2210 A, written testimony, Tim Raphael, 4 pp**
- K. **HB 2210 B, written testimony, Katie Fast, 3 pp**
- L. **HB 2211 B, written testimony, Jenna Swearingen, 1 p**
- M. **HB 2210 B, written testimony, Michael Grainey, 1 p**

- N. **HB 2211 B, written testimony, Michael Graine, 1 p**
- O. **HB 2212 A, written testimony, Michael Graine, 1 p**
- P. **HB 2211 B, written testimony of Ronald Suppah and fact sheet, submitted by Michael Mason, 7 pp**

# SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

## TAPE LOG

April 5, 2007 Hearing Room B  
3:00 PM Tapes 47 – 48

**MEMBERS PRESENT:** Sen. Brad Avakian, Chair  
Sen. Jason Atkinson, Vice-Chair  
Sen. Alan Bates  
Sen. Roger Beyer  
Sen. Floyd Prozanski

**STAFF PRESENT:** Sue Marshall, Committee Administrator  
Matthew Davis, Committee Assistant

**Measures or Issues Heard:** SB 420 – Public Hearing and Work Session  
SB 707 – Work Session  
SB 2210 B – Work Session  
SB 2211 B – Work Session  
SB 2212 A – Work Session  
SB 338 – Public Hearing and Work Session  
SB 234 – Public Hearing

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<b>TAPE # AND SIDE</b>	<b>COUNTER NUMBER</b>	<b>BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER</b>
47A	001	Chair Avakian calls the meeting to order at 3:13 p.m.
<b><u>SB 420 - PUBLIC HEARING</u></b>		
	009	Senator Avel Gordly, Senate District 23 <b>(EXHIBIT A)</b>
	041	Fred Hansen, General Manager of Tri-Met <b>(EXHIBIT B)</b>
	081	Robin Morris Collin, Prof. of Law Willamette <b>(EXHIBIT C)</b>
	124	Chair Avakian
	128	Avel Gordly
	129	Chair Avakian
	136	Stephanie Hallock Director State Department of Environmental Quality <b>(EXHIBIT D)</b>
	170	Robert Collin Senior Research Scholar, Adjunct Law Professor UO Oregon and Willamette
	202	Lindsay Capps, Oregon Environmental Counsel
	227	Chair Avakian
	233	Lila Wickham, Hillsboro Oregon <b>(EXHIBIT E)</b>
47A	291	Ben Duncan, Organizing People Activating Leaders, <b>(EXHIBITS F,G)</b>
	325	Chair Avakian

**The following prepared testimony is submitted for the record without public testimony.**

Gail Shibley, Administrator Office of Environmental Public Health, Public Health Division, Department of Human Services  
**(EXHIBIT P)**

**SB 420 – WORK SESSION**

330 **MOTION: Sen. Atkinson moves SB 420 to the floor with a DO PASS recommendation.**  
333 Sen. Prozanski  
357 Chair Avakian  
359 Sen. Beyer  
363 Sue Marshall  
367 Sen. Beyer  
373 Sen. Gordly  
374 Chair Avakian  
377 Sen. Gordly  
387 Chair Avakian  
399 **VOTE: 4-1-0**  
**AYE: 4 - Atkinson, Bates, Prozanski, Avakian**  
**NAY: 1 - Beyer**  
**Chair Avakian declares the motion CARRIED.**  
**SEN. GORDLY will lead discussion on the floor.**  
401 Chair Avakian

**SB 707 – WORK SESSION**

410 Sen. Beyer  
428 Sen. Atkinson  
434 Chair Avakian  
450 Sen. Beyer  
453 Chair Avakian  
48A **001 MOTION: Sen. Prozanski moves to ADOPT SB 707-10 amendments dated 4/5/07. (EXHIBIT H)**  
003 Chair Avakian  
017 Sen. Beyer  
020 Chair Avakian  
023 Sen. Bates  
045 Chair Avakian  
051 Sen. Bates  
058 Chair Avakian  
059 Sen. Atkinson  
077 Chair Avakian  
079 **VOTE: 5-0-0**  
48A **Chair Avakian hearing no objection, declares the motion CARRIED.**  
**081 MOTION: Sen. Prozanski moves SB 707 to the floor with a DO PASS AS AMENDED recommendation.**  
083 Sen. Beyer  
089 Sen. Atkinson  
096 Chair Avakian  
109 **VOTE: 3-2-0**  
**AYE: 3 - Bates, Prozanski, Avakian**  
**NAY: 2 - Atkinson, Beyer**  
**Chair Avakian declares the motion CARRIED.**  
**PRESIDENT COURTNEY AND SEN. VERGER will lead discussion on the floor.**

**HB 2210 B – WORK SESSION**

114 Chair Avakian  
126 **MOTION: Sen. Bates moves HB 2210B to the floor with a**

**DO PASS recommendation and BE REFERRED to the committee on Finance and Revenue by prior reference.**

130 Chair Avakian

131 Sen. Beyer

141 Chair Avakian

157 **VOTE: 4-1-0**

**AYE: 4 - Atkinson, Bates, Prozanski, Avakian**

**NAY: 1 - Beyer**

**Chair Avakian declares the motion CARRIED.**

**HB 2211 B – WORK SESSION**

163

**MOTION: Sen. Bates moves HB 2211B to the floor with a DO PASS recommendation and BE REFERRED to the committee on Finance and Revenue by prior reference.**

**VOTE: 5-0-0**

**Chair Avakian hearing no objection, declares the motion CARRIED.**

166

**HB 2212 A – WORK SESSION**

171

**MOTION: Sen. Bates moves HB 2212A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Finance and Revenue by prior reference.**

**VOTE: 5-0-0**

**Chair Avakian hearing no objection, declares the motion CARRIED.**

174

**SB 338 – WORK SESSION**

181

Sue Marshall, Committee Administrator (**EXHIBITS I,J**)

204 Chair Avakian

207 John Ledger, Associated Oregon Industries

220 Andy Ginsburg Air Quality Division Administrator Department of Environmental Quality (**EXHIBIT K**)

48A

229 Chair Avakian

232 Sen. Atkinson

237 Chair Avakian

242 Sen. Atkinson

243 Steve West, Oregon Hearth Patio and Barbeque Association

248 Sen. Atkinson

249 Chair Avakian

256 **MOTION: Sen. Atkinson moves to ADOPT SB 338-1 amendments dated 2/26/07.**

**VOTE: 5-0-0**

**Chair Avakian hearing no objection, declares the motion CARRIED.**

261 **MOTION: Sen. Atkinson moves to ADOPT SB 338-3 amendments dated 4/3/07.**

**VOTE: 5-0-0**

**Chair Avakian hearing no objection, declares the motion CARRIED.**

264 **MOTION: Sen. Atkinson moves SB 338 to the floor with a DO PASS AS AMENDED recommendation.**

269 **VOTE: 3-1-1**

**AYE: 3 - Atkinson, Prozanski, Avakian**

**NAY: 1 - Beyer**

**EXCUSED: 1 - Bates**

**Chair Avakian declares the motion CARRIED.  
SEN. ATKINSON will lead discussion on the floor.**

**SB 234 – PUBLIC HEARING**

	274	Chair Avakian
	278	Sue Marshall, Committee Administrator
	304	Katie Coba, Department of Agriculture
	332	Gail Shibley, Administrator, Office of Environmental Public Health, Public Health Division, Department of Health and Human Services
	355	Sen. Atkinson
	358	Chair Avakian
	377	Rick North, Director of Oregon Physicians for Social Responsibility ( <b>EXHIBITS L,M</b> )
47B	001	North (continued)
	015	Candice Mueller, Oregonian
	038	Chair Avakian
	039	Bob Schumaker, Public Health Advisory Board
	128	Chair Avakian
	129	Sen. Prozanski
	134	Schumaker
	136	Chair Avakian
47B	136	Chair Avakian
	145	Ross Swartzendruber, Salem Oregon ( <b>EXHIBIT N</b> )
	204	Terry Witt, Executive Director of Oregonians for Food and Shelter ( <b>EXHIBIT O</b> )
	268	Chair Avakian
	276	Sen. Atkinson
	278	Chair Avakian adjourns the meeting at 4:35 p.m.

**EXHIBIT SUMMARY**

- A. **SB 420, written testimony, Sen. Avel Gordly, 5 pp**
- B. **SB 420, written testimony and informational packet, Fred Hansen, 13 pp**
- C. **SB 420, informational packet, Robin Morris Collin, 43 pp**
- D. **SB 420, written testimony, Stephanie Hallock, 2 pp**
- E. **SB 420, written testimony and informational packet, Lila Wickham, 6 pp**
- F. **SB 420, informational packet, Ben Duncan, 7 pp**
- G. **SB 420, written testimony, Ben Duncan, 1 p**
- H. **SB 707, proposed amendments, Sen. Floyd Prozanski, 9 pp**
- I. **SB 338, proposed amendments, staff, 1 p**
- J. **SB 338, proposed amendments, staff, 29 pp**
- K. **SB 338, fact sheet, Andy Ginsburg, 2 pp**
- L. **SB 234, fact sheet, Rick North, 1 p**
- M. **SB 234, written testimony, Rick North, 2 pp**
- N. **SB 234, written testimony and informational packet, Ross Swartzendruber, 4 pp**
- O. **SB 234, conceptual amendments, Terry Witt, 1 p**
- P. **SB 420, written testimony, Gail Shibley, 2 pp**