

HOUSE COMMITTEE ON ENVIRONMENT

February 24, 2005 Hearing Room D

1:00 P.M. Tapes 12 – 13

Corrected 09/22/05

MEMBERS PRESENT: Rep. Gordon Anderson, Chair

Rep. Bob Jenson, Vice-Chair

Rep. Mary Nolan, Vice-Chair

Rep. Bill Garrard

Rep. John Lim

Rep. Diane Rosenbaum

MEMBER EXCUSED: Rep. Phil Barnhart

STAFF PRESENT: John Houser, Committee Administrator

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

SB 80 – Public Hearing and Work Session

HB 2515 – Public Hearing

SB 43 A – Public Hearing

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
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TAPE 12, A

002 Chair Anderson Calls the meeting to order at 1:08 p.m. Opens a public hearing on SB 80.

SB 80 – PUBLIC HEARING

020 Vicki McConnell Oregon State geologist and ex-officio member of the Oregon State Board of Geologist Examiners.

025 Eileen Webb Member, Oregon State Board of Geologist Examiners.

027 William Orr Member, Oregon State Board of Geologist Examiners.

028 David Michael Member, Oregon State Board of Geologist Examiners.

031 McConnell Testifies in support of SB 80. Talks about the criteria and curriculum necessary for working as a geologist.

055 Webb Submits and summarizes prepared testimony on behalf of Gary Peterson in support of SB 80 **(EXHIBIT A)**.

063 Orr Testifies in support of SB 80. Explains how the work of geologists has changed over time.

073 Michael Testifies in support of SB 80. Notes the letter from Gary Peterson **(EXHIBIT A)**.

082 Chair Anderson Asks how geologist requirements and criteria match up with other states.

085 Orr Answers that they match up well. Explains the various academic degrees that can allow one to work as a geologist.

100 Rep. Jenson Asks if there are national standards for geologist certification.

122 McConnell Explains that the criteria requires an applicant to take an exam to become a registered geologist. Says that geology degrees are dependent on specific schools.

138	Rep. Jenson	Clarifies university and accrediting requirements. Notes the evolution of curriculum. Expresses concern over environmental related degrees and geology requirements.
169	Webb	Explains that she is an environmental geologist and notes the communication between Oregon universities related to core curriculum for a geology degree.
191	Rep. Jenson	Appreciates the changes in the attention environmental issues receive.
201	Chair Anderson	Asks if those who are already licensed will face licensing problems under the changing criteria.
207	Orr	Answers that geologists in Oregon are competent and the changing criteria would not be an issue.
217	Rep. Jenson	Asks if there are ongoing requirements that geologists must meet.
208	Orr	Answers that it is not codified set of courses, but geologists keep up with standards.
235	Chair Anderson	Closes the public hearing on SB 80 and opens a work session on SB 80.

SB 80 – WORK SESSION

253	Rep. Garrard	<p>MOTION: Moves SB 80 to the floor with a DO PASS recommendation.</p> <p>VOTE: 6-0-1</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 1 – Barnhart</p>
	Chair Anderson	The motion CARRIES.
260	Rep. Garrard	MOTION: Moves SB 80 be placed on the CONSENT CALENDAR.

VOTE: 6-0-1

EXCUSED: 1 – Barnhart

Chair Anderson Hearing no objection, declares the motion CARRIED.

265 Chair Anderson Closes the work session on SB 80. Opens a public hearing on SB 43 A.

SB 43 A – PUBLIC HEARING

291 Alan Kiphut Administrator, Land Quality Division, Department of Environmental Quality (DEQ). Submits and summarizes prepared testimony in support of SB 43 A (**EXHIBIT B**).

380 Rep. Lim Asks what generation of hazardous waste means.

383 Kiphut Explains the generation of hazardous waste.

403 Rep. Lim Asks what stakeholders were involved in the work group during the 2003 legislative interim.

409 Kiphut Notes the stakeholders are listed on the back of (**EXHIBIT B**).

418 Rep. Lim Asks if any stakeholder group opposes SB 43 A.

423 Kiphut Answers no.

429 Kathryn Van Natta Governmental Affairs Manager, Northwest Pulp and Paper Association. Submits and summarizes prepared testimony in support of SB 43 A (**EXHIBIT C**).

495 Chair Anderson Comments that the plan appears to be concerned with technical assistance.

TAPE 13, A

025 Jim Craven American Electronics Association. Testifies in support of SB 43 A. Cites the stakeholder groups listed on the back page of (**EXHIBIT B**).

061	Rep. Jenson	Asks if there is currently a civil penalty.
065	Craven	Answers that the penalty for failing to complete a plan was a DEQ public hearing.
073	Rep. Jenson	Asks if DEQ has the option to hold public hearings.
076	Kiphut	Answers that they have not held any public hearings.
083	Rep. Jenson	Asks if the language in the current law requires or allows DEQ to hold public hearings.
085	Kiphut	Answers that he believes it is a “may or could, not a shall”. Notes that he will get the information.
089	Craven	Cites the language that DEQ “shall conduct a public hearing” and states that it is being amended out.
092	Rep. Jenson	Commends DEQ for providing technical assistance. Expresses concern about DEQ not holding hearings when statutory language says it “shall” hold hearings.
105	Kiphut	Clarifies that DEQ was not ignoring “shall”, but plans that were submitted were generally acceptable.
115	Rep. Jenson	Reiterates praise for DEQ and states that all state agencies should pass user friendly legislation for minimal violation of the law and interfering with the process of business.
124	Craven	Explains the work that was done on the law in 1989 and notes that there was near universal compliance from the beginning so public hearings were not needed.
137	Rep. Jenson	Expresses hope that penalties need not be enforced.
140	Chair Anderson	Concurs with Rep. Jenson. States the importance of serving the people of Oregon.
145	Ed Johnston	

Toledo, Oregon. Expresses concern about mill pollution in Toledo and hopes that public hearings and reduced civil penalties will remain intact.

198	Rep. Garrard	Asks about Mr. Johnston's testimony and who has threatened him.
200	Johnston	Explains the threats that he has received.
208	Rep. Garrard	Asks if Mr. Johnston has filed formal complaints.
212	Johnston	Explains the complaints that have been filed by himself and Toledo residents and the environmental destruction that have resulted from the mill operation.
241	Chair Anderson	Closes the public hearing on SB 43 A. Reopens a public hearing on HB 2515.

HB 2515 – PUBLIC HEARING

267	Malia Kupillas	President, Pacific Haider Geology. Testifies in support of HB 2515. Explains the legislative history of the ability of geologists to place liens.
326	Rep. Rosenbaum	Asks if the intent is to make the bill provisions retroactive.
331	Kupillas	Explains her intent for the bill and need for the lien.
361	Rep. Rosenbaum	Discusses the effective date of legislation and emergency clauses.
367	Kupillas	Responds that it is alright if it cannot be passed when intended.
373	John Houser	Committee Administrator. Asks if the word "reports" would affect the occupations listed in the bill.
376	Kupillas	Answers no.
393	Rep. Jenson	Asks if geologists have been able to attach liens to property when they do not receive compensation.

409	Kupillas	Answers that some clients do not pay if they do not win and geologists are not able to place liens.
431	Rep. Jenson	Asks if the courts have rules against geologists on this issue.
435	Kupillas	Answers no.
349	Rep. Jenson	Clarifies statutory language and asks to whom “special” geologist would refer.
457	Kupillas	Responds that it would apply to engineering geology and notes that a special field of hydrogeology is being developed in which she practices.

TAPE 12, B

002	Ed Johnston	Toledo, Oregon. Expresses concern about bill provisions.
029	David Michael	Member, Oregon State Board of Geologist Examiners. Testifies in support of HB 2515.
040	Jim Markee	Oregon Mortgage Lenders Association, United Financial Lobby. Testifies in opposition to HB 2515. Expresses lenders’ concerns regarding the expansion of lien rights.
106	Rep. Jenson	Asks how Mr. Markee’s clients would be adversely affected by HB 2515.
110	Markee	Explains that if immediate action is not taken to clear liens, it may waive their right to address them.
137	Chair Anderson	Asks if a court process establishes an appropriate lien is filed if lender is in the same position.
140	Markee	Answers yes.
142	Chair Anderson	Closes the public hearing on HB 2515. Adjourns the meeting at 2:17 p.m.

EXHIBIT SUMMARY

- A. **SB 80, prepared testimony, Eileen Webb on behalf of Gary Peterson, 1 p**
- B. **SB 43, prepared testimony, Al Kiphut, 14 pp**
- C. **SB 43, prepared testimony, Kathryn Van Natta, 1 p**