

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

March 24, 2005
7:00 A.M.

Hearing Room 343
Tapes 53 - 54

MEMBERS PRESENT: Sen. Charlie Ringo, Chair
Sen. Jason Atkinson, Vice-Chair
Sen. Roger Beyer
Sen. Frank Shields

MEMBER EXCUSED: Sen. Ginny Burdick

STAFF PRESENT: Matt Shields, Committee Administrator
Katie Lowry, Committee Assistant

MEASURES/ISSUES HEARD:

SB 688 – Public Hearing
SB 871 – Public Hearing
SB 677 – Public Hearing
SB 733 – Public Hearing
SB 291 – Public Hearing
SB 785 – 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
TAPE 53, A		
004	Chair Ringo	*Recording error.* Calls meeting to order at 7:07 a.m. and opens public hearing on SB 688.
<u>SB 688 – PUBLIC HEARING</u>		
005	Tom Gallagher	*Recording error.* Urban Developers Coalition. States that the Urban Developers Coalition is working with the Association of Oregon Counties (AOC), League of Oregon Cities (LOC), and the Oregon Home Builders Association to put together amendments that they can all support.
008	Art Schlack	AOC. States that the AOC is willing to work with Mr. Gallagher to address this issue. Discusses concerns.
014	Chair Ringo	Asks him to repeat phrase.
015	Schlack	Repeats phrase.
016	Linda Ludwig	LOC. States that the LOC is willing to work with Mr. Gallagher.
023	Chair Ringo	Discusses amendments.
029	Ross Day	Oregonians In Action. Testifies in support of SB 688.
037	Chair Ringo	Closes public hearing on SB 688 and opens public hearing on SB 871.
<u>SB 871 – PUBLIC HEARING</u>		
042	Tim Keith	Assistant State Forester, Fire Protection, Oregon Department of Forestry (ODF). Testifies on SB 871.
055	Dustin Gustaveson	ODF. Submits and highlights written testimony and maps (EXHIBIT A) .
081	Chair Ringo	Asks clarifying question.
082	Gustaveson	Responds

083	Gustaveson	Continues testimony on SB 871.
118	Sen. Atkinson	Asks about amendments and definitions.
119	Gustaveson	Discusses amendments.
125	Keith	Discusses amendments.
130	Sen. Atkinson	Discusses previous legislation. States that the Governor announced last week that this will be the second driest summer on record. Discusses why this issue came to his attention. States that he wants to move SB 871.
143	Chair Ringo	Asks about tax credit amount.
145	Gustaveson	Says that 500 dollars is a starting point. Gives details.
160	Chair Ringo	Asks about impact on the state budget and expected use of the tax credit. Asks if there is a revenue analysis.
163	Keith	Responds.
165	Chair Ringo	States that there is a subsequent referral to Revenue.
170	Chair Ringo	Wonders if ODF is trying to encourage another method besides burning to get rid of refuse.
171	Gustaveson	Replies yes and explains.
177	Chair Ringo	States that one method is to chip it on site. Verifies that if someone chipped it on site, they would be eligible for the tax credit.
178	Gustaveson	Confirms this.
179	Chair Ringo	States that another method would be to have the material moved to a facility that would chip it themselves.
180	Gustaveson	Replies yes.
181	Chair Ringo	Asks what happens to materials moved to a facility.
183	Gustaveson	Responds.
186	Chair Ringo	Asks what a biomass facility is.
187	Gustaveson	Explains biomass facility.
188	Chair Ringo	Replies okay.
189	Gustaveson	Gives details on biomass facility in Medford.
195	Chair Ringo	Talks about amendments.
200	Chair Ringo	Closes public hearing on SB 871 and opens public hearing on SB 677.

SB 677 – PUBLIC HEARING

203	Michael Holstun	Board Member, Land Use Board of Appeals (LUBA). Submits and reads written testimony in opposition to SB 677 (EXHIBIT B).
285	Chair Ringo	Asks if witness has any statistics on timeline for the longest decisions.
289	Holstun	Responds.
295	Chair Ringo	Verifies that witness means one month past the 77 day deadline.
296	Holstun	States that in other cases it is a matter of a few days.
297	Chair Ringo	Replies okay. Asks if there is any point where beyond a certain timeline there is some sort of sanction.
298	Holstun	Replies yes and explains.
304	Chair Ringo	States that doesn't seem like an easy remedy to make the client file another action.
307	Holstun	Responds.
308	Chair Ringo	Verifies that there is no deadline where something specific happens.
312	Holstun	Replies. Continues testimony in opposition to SB 677.
355	Chair Ringo	Asks if those are annual costs.
356	Holstun	Replies that those are biennial costs.
357	Holstun	Continues testimony in opposition to SB 677.

390 Sen. Beyer Discusses intentions of SB 677. Submits excerpts from the 2003 Oregon Revised Statutes **(EXHIBIT C)**. States that SB 677 would cause LUBA to prioritize. States he will continue to work on SB 677.

TAPE 54, A

010 Sen. Beyer Continues discussing SB 677. Discusses the potential concerns with SB 677 and states that those concerns can be addressed.

042 Chair Ringo Makes comments.

047 Sen. Beyer Responds.

The following prepared testimony is submitted for the record without public testimony:

Lane Shetterly Director, Department of Land Conservation and Development. Submits written testimony on SB 677 **(EXHIBIT D)**.

053 Chair Ringo Closes public hearing on SB 677 and opens public hearing on SB 733.

SB 733 – PUBLIC HEARING

060 Jeff Bissonnette Fair and Clean Energy Coalition. Testifies in support of SB 733.

075 Chair Ringo Asks if witness will bring the mentioned amendments to the committee.

076 Bissonnette Replies yes.

080 Jon Miller Oregon Solar Energy Industries Association. Submits written testimony in support of SB 733 **(EXHIBIT E)**. Testifies in support of SB 733.

097 Chair Ringo Asks if witness can make the mentioned article available to the committee.

098 Miller Replies yes.

100 Miller Continues testimony in support of SB 733.

108 Sen. Shields Refers to chart in written testimony **(EXHIBIT E)**. Asks about differential in cost if watts are installed all at once instead of 500 watts once a year.

110 Miller Explains details.

126 Sen. Beyer Asks about costs to install a 2000 watt solar system.

128 Miller Explains costs.

132 Chair Ringo Talks about amendments. Asks witness to provide a copy of the article and testimony to the committee.

135 Chair Ringo Closes public hearing on SB 733 and opens public hearing on SB 291.

SB 291 – PUBLIC HEARING

140 Sen. Floyd Prozanski Represents Senate District 4. Introduces Jim Hoover and Lindsay Haskall. Gives information on his background in recycling. Discusses SB 291 and details the changes in statute that SB 291 would cause. Discusses opposition to SB 291.

197 Chair Ringo Makes comment about testimony for SB 785.

208 Lindsay Haskall City Councilor, Cottage Grove. Testifies in support of SB 291.

270 Jim Hoover Waste Recovery Systems (WRS). Submits informational packet on SB 291 **(EXHIBIT F)**. Submits video presentation on DVD **(EXHIBIT G)**. Testifies in support of SB 291.

290 Chair Ringo Asks witness to give a synopsis of WRS.

292 Hoover Explains WRS.

296 Chair Ringo Verifies that the people are his employees.

297 Hoover Replies yes.

298 Chair Ringo Asks if his employees have had training.

299 Hoover Replies yes and explains.

300 Chair Ringo Verifies that witness has been in business since 1993.

301 Hoover Responds.

305	Chair Ringo	Asks how many employees witness has.
306	Hoover	Responds.
307	Chair Ringo	Asks what kind of material witness' employees pull out of dumpsters.
308	Hoover	Explains.
331	Sen. Prozanski	Makes comment about partnership.
340	Haskall	Discusses opposition to SB 291. Discusses an article from magazine titled WasteAge.
370	Sen. Prozanski	Mentions DVD submitted for the record (EXHIBIT G) .
386	Chair Ringo	Recesses public hearing on SB 291 and opens public hearing on SB 785.

SB 785 – PUBLIC HEARING

393	Bob Terry	Oregon Association of Nurseries. Testifies in support of SB 785.
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TAPE 53, B

005	Chair Ringo	Closes public hearing on SB 785 and reopens public hearing on SB 291.
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SB 291 – PUBLIC HEARING

010	Brad Nanke	City Councilor, City of Salem. Submits written testimony in opposition to SB 291 (EXHIBIT H) . Submits video presentation on videotape (EXHIBIT I) . Testifies in opposition to SB 291.
060	Chair Ringo	States that this business is new to him. Assumes that Waste Recovery Systems (WRS) doesn't go to facilities unless WRS has a contract with that facility.
067	Nanke	States that WRS would typically negotiate with an apartment complex.
068	Chair Ringo	Asks if witness is concerned that people consider their garbage private information. Refers to statement witness made in his testimony.
070	Nanke	Responds.
075	Beth Vargas Duncan	City of Salem. Testifies in opposition to SB 291.
088	Chair Ringo	Asks if witness knows of any other cities that have passed an ordinance outlawing WRS.
089	Vargas Duncan	Responds.
091	Kristin Mitchell	Oregon Refuse and Recycling Association. Submits written testimony (EXHIBIT J) and video presentation on videotape (EXHIBIT K) . Testifies in opposition to SB 291.
113	Chair Ringo	Asks if that is to reduce the volume.
114	Mitchell	Replies yes and explains.
115	Chair Ringo	Makes comment.
118	Mitchell	Responds. Mentions issue of liability.
154	Sen. Shields	Makes comment about providing a service. Asks witness question.
160	Mitchell	Responds.
170	Sen. Shields	States that this is not the free market enterprise that he is talking about. Understands that witness' system is regulated. Says that WRS is providing a service that the Oregon Refuse and Recycling Association is not providing. Asks witness question again.
190	Mitchell	Responds.
210	Chair Ringo	States that the liability issue does not persuade him. Makes comment.
215	Bob Sigloh	President, Mid-Valley Garbage and Recycling Association. Testifies in opposition to SB 291. Submits written testimony (EXHIBIT L) .

270	Sen. Atkinson	Reads from submitted WRS testimony (EXHIBIT F). Asks witness to help him understand the problem. Makes comment.
290	Sigloh	Responds.
301	Sen. Atkinson	States that there is competition. Asks what is wrong with the business model.
305	Sigloh	Responds.
307	Mitchell	Makes comments.
322	Chair Ringo	States that the Rules committee starts in five minutes.
327	Sen. Atkinson	Asks if this would all be solved if WRS owned their own disposal cans.
328	Mitchell	Responds.
336	Chair Ringo	Thanks witnesses for coming.
345	Art Schlack	Association of Oregon Counties. Testifies in opposition to SB 291. Discusses concerns with the way SB 291 is written.
378	Chair Ringo	Makes comment.
380	Schlack	Concludes testimony. Discusses identity theft.
393	Bob Danko	Department of Environmental Quality (DEQ). States that the DEQ does not have a position on SB 291. Discusses issues with specific language of SB 291.
The following prepared testimony is submitted for the record without public testimony:		
	Rick Winterhalter	Legislative Chair, Association of Oregon Recyclers. Submits written testimony in opposition to SB 291 (EXHIBIT M).
	Marsha Miller	Division Manager, City of Eugene. Submits written testimony in opposition to SB 291 (EXHIBIT N).
	Willie Tiffany	Senior Staff Associate, League of Oregon Cities. Submits written testimony in opposition to SB 291 (EXHIBIT O).
407	Chair Ringo	Closes public hearing on SB 291 and adjourns meeting at 8:31 a.m.

EXHIBIT SUMMARY

- A. SB 871, written testimony, Dustin Gustaveson, 4 pp**
- B. SB 677, written testimony, Michael Holstun, 8 pp**
- C. SB 677, excerpts, Sen. Roger Beyer, 2 pp**
- D. SB 677, written testimony, Lane Shetterly, 1 p**
- E. SB 733, written testimony, Jon Miller, 1 p**
- F. SB 291, informational packet, Jim Hoover, 9 pp**
- G. SB 291, presentation video, Jim Hoover, DVD**
- H. SB 291, written testimony, Brad Nanke, 3 pp**
- I. SB 291, presentation video, Brad Nanke, videotape**
- J. SB 291, written testimony, Kristin Mitchell, 10 pp**
- K. SB 291, presentation video, Kristin Mitchell, videotape**
- L. SB 291, written testimony, Bob Sigloh, 6 pp**
- M. SB 291, written testimony, Rick Winterhalter, 1 p**
- N. SB 291, written testimony, Marsha Miller, 1 p**
- O. SB 291, written testimony, Willie Tiffany, 1 p**