

HOUSE COMMITTEE ON
ENVIRONMENT AND LAND USE

February 18, 2003 Hearing Room HR E
8:30 AM Tapes 21 - 22

MEMBERS PRESENT: Rep. Bill Garrard, Chair
Rep. Dennis Richardson, Vice-Chair
Rep. Cliff Zauner, Vice-Chair
Rep. Robert Ackerman
Rep. Dan Doyle
Rep. Mitch Greenlick
Rep. Diane Rosenbaum

STAFF PRESENT: Ray Kelly, Committee Administrator
David Peffley, Committee Assistant

MEASURE/ISSUES HEARD: HB 2208: Reconsideration and Work Session.
HB 2533: Public Hearing
HB 2158: 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 21, A		
003	Chair Garrard	Calls the meeting to order at 8:36 and opens a reconsideration and work session on HB 2208.
<u>HB 2208 - RECONSIDERATION AND WORK SESSION</u>		
010	Rep. Richardson	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2208.
015		VOTE: 6-0 EXCUSED: 1 - Doyle
	Chair Garrard	Hearing no objection, declares the motion CARRIED.
017	Rep. Richardson	MOTION: Moves to RECONSIDER the vote by which HB 2208 was sent to the floor "Recommending DO PASS WITH AMENDMENTS".
019		VOTE: 6-0 EXCUSED: 1 - Doyle
	Chair Garrard	Hearing no objection, declares the motion CARRIED.
022	Chair Garrard	
024	Rep. Greenlick	MOTION: Moves HB 2208 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
028		VOTE: 6-0 EXCUSED: 1 - Doyle
	Chair Garrard	Hearing no objection, declares the motion CARRIED.
030	Chair Garrard	
033	Chair Garrard	Closes the work session on HB 2208 and opens a public hearing on HB 2533.

HB 2533 – PUBLIC HEARING

038	Ray Kelly	Summarizes HB 2533.
042	David Monk	Oregon Toxics Alliance. Takes issue with the addition in HB 2533 that would exempt certain persons from paying into the program. Encourages the committee not to move forward on this bill, but offers to participate in a work group.
100	Rep. Greenlick	Asks how companies might opt out.
103	Monk	Explains how HB 2533 would exempt them from payment.
116	Rep. Greenlick	References the addition on Page 2, Line 18.
122	Rep. Ackerman	References ORS 465.018 and submits a copy for the record (EXHIBIT A) . Asks Monk if that is the statute which contains the exemption.
138	Monk	Responds that it is.
143	Brian Doherty	Western States Petroleum Association. Cites the committee's desire to blend HB 2466 with HB 2533 in an interim committee. Testifies that they'd like to include an amendment to the bill.
180	Ted Hughes	Pacific Northwest Paint Council. Believes that an interim task force would properly address the issue of fairness in this bill. Recommends sunseting the toxic use reductions part of the fee, starting in July 2005.
222	Rep. Greenlick	Confirms Hughes' position calling for a sunset. Asks why that should happen rather than having a work group address the issue.
230	Hughes	Asserts the Paint Council's belief that it's outdated and unfair.
243	Rep. Greenlick	Asserts that if the evidence is so compelling than it certainly would be addressed by a work group. Believes that we should study before acting.
255	Hughes	Believes that the difference between his position and Rep. Greenlick's, is a philosophical difference.
268	Bob Danko	Department of Environmental Quality (DEQ). Submits (EXHIBIT B) and attests to the success of DEQ partnerships with businesses in reducing and eliminating the use of toxic chemicals and hazardous waste. States support for another look at the issue, but underscores the successes of the program since 1989.

TAPE 22, A

033	Rep. Ackerman	Asks if Danko is ready to testify to the amendment in HB 2533.
040	Danko	Replies that it is a complex question.
066	Rep. Ackerman	Asks about the exemption in HB 2533.
070	Danko	Confirms the purpose of the amendment.
078	Rep. Ackerman	Asks how this bill passage would affect DEQ's funding.
082	Danko	Responds that it wouldn't affect DEQ's funding.
090	Rep. Ackerman	Asks if this bill would just shift the funding of the fees to other users.
095	Danko	Affirms that it would.
100	Rep. Ackerman	Asks if the fire marshal could withhold funds.
102	Danko	Responds that it's not discretionary and that the marshal couldn't back out.
108	Rep. Ackerman	Reaffirms that this bill would not have a fiscal impact.
110	Danko	Asserts that it would not have a fiscal impact, but reaffirms that DEQ doesn't believe that it's a very good public policy.
120	Bob Albers	Hazmet Services Manager, State Fire Marshal. Affirms Danko's testimony. Attests to the effects of HB 2533 regarding fee payment.
145	Rep. Ackerman	Asks if HB 2533 is revenue neutral.

150	Albers	Once again affirms Danko's assertions and that HB 2533 would be revenue neutral.
161	Rep. Ackerman	Asks if the fire marshal approves of this bill.
163	Albers	Speaks to the merging of the two bills and would like to help work out a compromise solution. Reaffirms that the Fire Marshal is absolutely against HB 2533 as written.
181	Chair Garrard	Asks Albers for the annual fee range.
185	Albers	States the range of fees involved and the median. States that he will provide the committee with hard figures.
200	Chair Garrard	Asks for confirmation that those presently paying \$500 could end up paying \$5000.
201	Albers	Affirms that some could end up paying \$13,000
206	Chair Garrard	Asks what effect this would have on the state fire marshals.
211	Albers	Replies that they wouldn't have enough funding to operate at their present level.
216	Chair Garrard	Asks if the FTE would be effected by passage of this law.
218	Albers	Responds that it would.
228	Rep. Rosenbaum	Asks who is required to file and whether the program is voluntary or enforcement based.
237	Danko	Responds that it is not voluntary and that most people do comply.
254	Rep. Rosenbaum	Asks if there is an incentive to cheat by not filing.
257	Danko	Replies that there may be, but asserts that most businesses are behaving honorably.
264	Albers	Adds that the fire marshal is not involved in reporting.
277	Jim Craven	American Electronics Association. Offers a historical look at the reasons behind this bill and how it has been implemented since 1989. Believes that the present program has merits, but could use another look. Asserts that he wouldn't support HB 2533 as written and announces that he would like to participate in a study group.
396	Chair Garrard	States that the committee is looking for answers. Asks Butterfield and Hughes how they would like to proceed from this point.
400	Lana Butterfield	Asks for a work group solution first, and an amendment second.
417	Ted Hughes	Agrees with Butterfield on the need for a work group.
431	Chair	Announces that he will move to create a work group to solve the issue of HB 2533 and HB 2466. Closes the public hearing on HB 2533 and opens a public hearing on HB 2158.

HB 2158 – PUBLIC HEARING

TAPE 21, B

004	Bill Foster	Department of Administrative Services (DAS) Facilities Division. States that DAS wants to move to amend HB 2341 which would address this issue. If this occurs, then HB 2158 would be dropped.
018	Chair	Closes the public hearing on HB 2158 and adjourns the meeting at 9:35.

EXHIBIT SUMMARY

A – HB 2533, ORS section 465.018, Rep. Ackerman, 1 p.

B – HB 2533, written information, Bob Danko, 24 pp.