

**HOUSE COMMITTEE ON**  
**ENVIRONMENT AND LAND USE**

May 15, 2003 Hearing Room E  
9:00 AM Tapes 77 - 78

**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**

**MEASURES HEARD:**      **HB 3637 - Work Session**  
                                 **HB 2614 – Work Session**  
                                 **HB 2899 – Work Session**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 77, A</b>		
005	Chair Garrard	Calls the meeting to order at 9:06 and opens the work session on HB 3637.
<b>HB 3637 – WORK SESSION</b>		
019	Ray Kelly	Committee Administrator. Summarizes HB 3637. Defines the term <i>cullet</i> for the committee.
025	Paul Romain	Oregon Beer and Wine Distributors Association. Addresses the bottle bill and the theories behind it. Asserts that there is no market for recycled glass and testifies in favor of HB 3637.
080	Phil Hatch	Owner, Hanes Distributing and Central Oregon Recycling. Speaks to the problem in Eastern Oregon in disposing of recycled glass.
102	John Fletcher	President, Container Recovery, Portland. Addresses problems with glass recycling and expresses concern for the future of the glass recycling industry.
131	Romain	Speaks to the imperfection of the bill, and adds that he would like to work the bill further on the Senate side.
158	Fletcher	Clarifies transportation costs per ton.
162	Rep. Greenlick	Asks about the issue of separating glass at the home site and asks if there are special problems involved.
173	Fletcher	Replies that his plant separates crushed glass and that it is not cheap.
182	Romain	Talks to the problem of machines being unable to distinguish between different-colored glass leading to contamination.
197	Rep. Richardson	Asks the basis for this problem and whether DEQ contributed to

the problem.

204 Romain States that DEQ is not part of this problem and that they merely enforce the laws passed by the legislature. Points out that this bill is asking to broaden DEQ's mandate.

241 Bob Danko Department of Environmental Quality (DEQ). Testifies in opposition to HB 3637. Acknowledges that there are problems with markets, but that this bill will undermine the public's trust in the recycling program.

321 Rep. Rosenbaum Asks if there's a way to amend this bill to make it agreeable to DEQ.

326 Danko Replies that there is not and that the bill is unnecessary.

332 Rep. Greenlick Acknowledges that there is a problem with the recycling program. Asks Danko what he believes the solution to the problem is.

345 Danko Also acknowledges that there is a problem. Posits that the California fiberglass market is an option as are other programs, although notes that those options may not be as profitable.

372 Rep. Greenlick Asks DEQ's position about mixing fill materials in a construction project.

377 Danko States that roadbeds and pipe fittings are acceptable uses for cullet, but filling in holes is not.

398 Rep. Zauner Notes that there is some disagreement from the proponents of the bill.

411 Doug Myers Association of Oregon Recyclers (AOR). Speaks to the value of recycling and the spillover effect if we do away with the recycling program.

**TAPE 78, A**

006 Rep. Greenlick Asks Myers if he sees a solution to problems at the end of the line.

016 Myers Expresses uncertainty. Submits that recycling is a conservative value which needs to be preserved.

024 Rep. Rosenbaum Offers an anecdote illustrating an example of taking pride in recycling.

033 Rep. Zauner States that if the public is not informed, they won't be outraged.

037 Myers Notes that the media would certainly get the word out.

046 Chair Garrard Notes that many counties are closing recycling facilities and cites the costs in shipping glass.

057 Danko Speaks to shipping glass out of state and regulations surrounding the practice.

062 Rep. Ackerman Asks if this bill represents a market-based solution.

066 Danko Acknowledges that markets do need to be considered, but reaffirms the overriding concern for public perception.

092 Rep. Greenlick Clarifies his understanding that the bill would not allow direct disposal into a dumpster. Reaffirms the notion that recycling is a conservative value.

131 Danko States that there is not time for such a major policy change.

141 Rep. Richardson Posits that if DEQ had been responsible, then the legislature might not have been called upon to pass this legislation. Asserts that that this bill does not serve the principle of conservation at any cost, but it does serve the principle of conservation for the best interests of the people.

186 Rep. Greenlick Points out that even the testimony of the proponents of this

		legislation have stated that DEQ is not responsible for the present problem.
202	Rep. Richardson	Notes the alleged problems with administrative rules.
210	Kristan Mitchell	Oregon Refuse and Recycling Association (ORRA). Responds to the prior testimony. Speaks to the genesis of the curbside recycling program. Addresses technological improvements to recycling and notes that there are some other options which could be considered.
311	Rep. Rosenbaum	Addresses the issue of market determination.
319	Mitchell	Downplays the significance of market determination with regard to recycling.
339	Rep. Greenlick	Asks whether ORRA supports or opposes HB 3637.
344	Mitchell	States neutrality to the bill and offers to participate by helping to work the bill in the Senate if necessary.
352	Romain	Reiterates that the bill is not a perfect solution, but asserts that action must be taken before the problem becomes too onerous to be dealt with effectively.
400	Fletcher	Cites the current market prices for varieties of glass. Reasserts that glass will not contaminate landfills, that it will dissolve back into sand.
441	Romain	Cites the loss of breweries as a key reason for the lack of need for glass, thus exacerbating the problem.
458	Chair Garrard	Closes the invited testimony HB 3637.
The following prepared testimony was submitted for the record without public testimony for HB 3637.		
	Matt Blevins	Summarizes <b>(EXHIBIT B)</b> .

**TAPE 77, B**

<b>003</b>	<b>Rep. Richardson</b>	<b>MOTION: Moves HB 3637 to the floor with a DO PASS recommendation.</b>
010	Rep. Rosenbaum	Remarks that she will vote nay on HB 3637 as to uphold the will of her constituents.
013	Rep. Greenlick	Expresses concern over the legislation, but will vote to move it out of committee. States that he has not decided how he will vote on the floor.
026	Rep. Doyle	Understands the market forces at work against this bill, but expresses concern over the legislation and will vote nay.
040	Rep. Ackerman	Speaks to the merits of HB 3637 and the practicality given the current market situation. Notes that he will vote aye on the bill.
<b>047</b>		<b>VOTE: 5-2</b> <b>AYE: 5 - Ackerman, Greenlick, Richardson, Zauner, Garrard</b> <b>NAY: 2 - Doyle, Rosenbaum</b>
<b>051</b>	<b>Chair Garrard</b>	<b>The motion CARRIES.</b> <b>REP. RICHARDSON will lead discussion on the floor.</b>
055	Chair Garrard	Closes the work session on HB 3637 and opens a work session on HB 2614.

**HB 2614 – WORK SESSION**

060	Rep. Zauner	References Tuesdays hearing on HB 2614 and addresses the accommodations made by other committee members.
080	Chair Garrard	Empathizes with Rep. Zauner regarding HB 3211.
090	Rep. Ackerman	Asks whether the rules could be suspended to hear HB 3211.
101	Chair Garrard	Discusses the one-hour notice in relation to HB 3211.
131	Rep. Zauner	Cites prior testimony in favor of HB 2614.
133	Rep. Rosenbaum	References a consulting report and asks if Rep. Zauner agrees

		with the findings.
140	Rep. Zauner	States that he has no opinion on the report.
144	Chair Garrard	Closes the work session on HB 2614 and opens a work session on HB 2899.
<b><u>HB 2899 – WORK SESSION</u></b>		
150	Ray Kelly	Committee Administrator. Notes that the -3 amendments were adopted on Tuesday, May 13.
163	Rep. Zauner	<b>MOTION: Moves HB 2899 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
169		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Doyle</b> <b>The motion CARRIES.</b>
173	Chair Garrard	
175	Chair Garrard	Closes the work session on HB 2899 and reopens a work session on HB 2614.
<b><u>HB 2614 – WORK SESSION</u></b>		
179	Rep. Zauner	Notes the -5 amendments (EXHIBIT A).
181	Rep. Zauner	<b>MOTION: Moves to ADOPT HB 2614-5 amendments dated 4/15/03.</b>
186		<b>VOTE: 5-2</b> <b>AYE: 5 - Ackerman, Doyle, Richardson, Zauner, Garrard</b> <b>NAY: 2 - Greenlick, Rosenbaum</b> <b>The motion CARRIES.</b>
190	Chair Garrard	
192	Rep. Zauner	<b>MOTION: Moves HB 2614 to the floor with a DO PASS AS AMENDED recommendation.</b>
202		<b>VOTE: 5-2</b> <b>AYE: 5 - Ackerman, Doyle, Richardson, Zauner, Garrard</b> <b>NAY: 2 - Greenlick, Rosenbaum</b> <b>The motion CARRIES.</b>
207	Chair Garrard	<b>REP. ZAUNER will lead the discussion on the floor.</b>
211	Chair Garrard	Closes the work session on HB 2614.
224	Rep. Ackerman	<b>MOTION: Moves to SUSPEND the rules for the purpose of setting a work session for Friday, May 16 in order to have a work session on HB 3211.</b>
244	Rep. Zauner	Offers support for Rep. Ackerman's motion.
253	Rep. Greenlick	Conjectures as to why HB 3211 might have been sent back to committee.
265	Rep. Rosenbaum	Asks for clarification on Rep. Ackerman's motion.
267	Rep. Ackerman	Clarifies his motion to suspend the rules to hear HB 3211.
270	Rep. Rosenbaum	States that she will be unable to support the motion. Expresses concern that such an action would have the effect of subverting the democratic process.
276	Ray Kelly	Committee Administrator. Clarifies the rules regarding the motion on the table and explains how the bill would move through committee.
311	Rep. Rosenbaum	Suggest scheduling another meeting to consider HB 3211.
355		<b>VOTE: 3-3</b> <b>AYE: 3 - Ackerman, Zauner, Garrard</b>

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Chair Garrard  
Chair Garrard

**NAY: 3 - Greenlick, Richardson, Rosenbaum**  
**EXCUSED: 1 - Doyle**  
**The motion FAILS.**  
Adjourns the meeting at 10:32 A.M.

**EXHIBIT SUMMARY**

**A – HB 2615, -5 amendments, staff, 1 p.**

**The following exhibit is listed out of order in the body of the tape log.**

**B – HB 3637, written testimony, Matt Blevins, 1 p.**