

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

May 20, 2003 Hearing Room E
1:00 PM Tapes 62 - 63

MEMBERS PRESENT: Rep. Dan Doyle, Chair
Rep. Linda Flores, Vice-Chair
Rep. Laurie Monnes Anderson, Vice Chair
Rep. Vic Backlund
Rep. Phil Barnhart
Rep. Betsy L. Close
Rep. Joanne Verger

STAFF PRESENT: Cara Filsinger, Administrator
Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: HCR 10 – Work Session
SB 516 B – Work Session
SB 419 A – Pubic Hearing and Work Session

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 62, A		
004	Chair Doyle	Calls meeting to order at 1:38 p.m., announces order agenda items will be considered, and opens a work session on HCR 10.
HCR 10 – WORK SESSION		
014	Bruce Anderson	Office of Speaker Minnis. Presents and explains the HCR 10-3 amendments (EXHIBIT A).
045	Rep. Flores	MOTION: Moves to ADOPT HCR 10-3 amendments dated 5/15/03.
050		VOTE: 6-0-1 EXCUSED: 1 - Rep. Monnes Anderson Hearing no objection, declares the motion CARRIED.
	Chair Doyle	
054	Chair Doyle	Asks that the committee stand at ease at 1:43 p.m. while staff completes a conference call to Rep. Monnes Anderson.
	Chair Doyle	Reconvenes the meeting at 1:44 p.m. and continues work session on HCR 10.
056	Rep. Flores	MOTION: Moves HCR 10 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
062		VOTE: 7-0-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SPEAKER MINNIS will lead discussion on the floor.
	Chair Doyle	
063	Chair Doyle	Closes the work session on HCR 10 and asks that the committee stand at ease.
068	Chair Doyle	Reconvenes the meeting and opens a public hearing on SB 419 A.
SB 419 A – PUBLIC HEARING		
073	Cindy Robert	Oregon Dry Cleaners Association. Reviews history of legislation in previous sessions. Explains provisions of SB 419 A.
133	Rep. Verger	Asks if they have discussed what DEQ will do when a spill is found and whether the dry cleaners will be charged for the testing.
	Robert	Responds that a program is followed by DEQ and Danko can respond.
153	Bob Danko	Department of Environmental Quality (DEQ). Comments that the program is voluntary on the part of the dry cleaners. DEQ works with the dry cleaners and agree on how to go through the cleanup. States that the result of the cleanup is a "no further action" letter from DEQ which means the contamination has been addressed and the dry cleaner is free.
169	Rep. Verger	Asks if they DEQ would go back in a year and check.
	Danko	States that a no action letter is just that.
	Rep. Verger	Asks what their concern is when there is a contamination.
	Danko	States the concern may be different at different sites. The cleanup process is based on risk. They first identify the risk and then address the risk. Comments on various cleanup scenarios.
199	Rep. Flores	Asks if this is focused on accidental spills.
	Robert	Responds that they would like to think all spills are accidental, but that does not come into play under this liability. States that this bill not only gives the liability relief, it also sets forth new requirements when it comes to education to dry cleaners on how to run their business and make it environmentally friendly mechanically, and details solvent change rules.
218	Rep. Close	Asks what piece of this bill was in SB 463 during the 2001 session.
	Danko	Explains SB 463 in the 2001 session.
244	Chair Doyle	Asks about the new language in Section 5(1) imposing new fees, the exemption in (2)(a), and what would trigger the credits in (2)(b).
	Danko	Explains that the "may" in line 26 is a "shall" to the DEQ.
	Robert	Explains (2) is the letter after an assessment. State that the reason for the "may" is that some facilities may choose to not be exempted for various reasons and may choose to continue paying into the fund in case a spill is found later.
273	Chair Doyle	Comments that his understanding is that the only time "may" equals "shall" is when it is followed by the word "not."
	Robert	Comments that this says "may" because it is the choice of the dry cleaner.

Chair Doyle
Robert

330 Chair Doyle

344 Robert
Chair Doyle
Robert

399 Rep. Barnhart
Robert

417 Rep. Verger
Danko

455 Robert

Asks how the dry cleaners can get the \$1,000 credit.
Explains that a dry cleaner may have asked for an assessment and be found to be clean and not want the liability insurance any more. They may have paid for a number of years. This language says they may apply to DEQ to have a refund.
Asks if Section 5(3) is an annual fee that is one percent of gross revenue to be paid by every dry cleaner.
Responds affirmatively. Explains all the fees involved.
Asks if there is average gross revenue and how much this would generate.
States that stores that made a minimum opted out. Some make \$25,000 and others are making hundreds of thousands. Believes their legislative chair who worked on this bill is paying about \$2,000 a year prior to this bill and he will pay approximately \$5,000 a year. States that the members of the Oregon Dry Cleaners Association and the Alliance of Dry Cleaners did vote to tax themselves.
Asks what a "dry" store is.
Explains that they do not do dry cleaning on the premise.
Asks Danko if they are treating everyone fairly and equitably.
Explains that DEQ stepped back to let the dry cleaners rearrange the fees.
Comments on agreement by the work group that the gross receipts tax was the fairest way so they would not burden some of the smaller dry cleaners, especially those in rural areas. Adds that the fees will be from \$1,800 to \$4,000.

TAPE 63, A

014 Chair Doyle
SB 419 A – WORK SESSION

018 Rep. Flores

Rep. Verger

026 Rep. Flores

Rep. Barnhart

034 Chair Doyle

044 Chair Doyle

049 Rep. Doyle

051 Chair Doyle
Chair Doyle

Closes the public hearing and opens a work session on SB 419 A.
MOTION: Moves SB 419 A to the floor with a DO PASS recommendation.
Comments that she does not like the bill but if the dry cleaners want to do it to themselves, then one cannot argue with that.
Comments she concurs with Rep. Verger and if the players want to have the fees to raise the funds, that is better than having to impose it on them.
Comments he thinks they are trying to manage a certain risk and liability and they have come up with a fund for managing it.
Comments he defers to Sen. Harper and there is obviously justification for this, but reserves the right to vote against it on the floor.
VOTE: 6-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rep. Monnes Anderson
The motion CARRIES.
MOTION: Moves SB 419 A be placed on the CONSENT CALENDAR.
VOTE: 6-0-1
EXCUSED: 1 - Rep. Monnes Anderson
Hearing no objection, declares the motion CARRIED.
Closes the work session on SB 419 A and opens a work session on SB 516 B.

SB 516 B – WORK SESSION

Chair Doyle

063 Harlan Levy

097 Rep. Verger
Levy

122 Rep. Verger
Rep. Close

127 Levy

143 Rep. Flores

143 Chair Doyle

146 Rep. Flores
Rep. Barnhart

159 Chair Doyle

Advises members they have the SB 516 B8 amendments (**EXHIBIT B**).
Staff Attorney, Oregon Association of Realtors. Explains that after the House Water Committee sent the bill to the floor they noticed there were a couple of scribbler errors that are being fixed by lines 1-3 of the SB 516 B8 amendments. Explains the conflict amendments contained in the SB 516 B8 amendments (**EXHIBIT B**), and explains the provisions of the measure.
Asks if there is a process where the landowner has any say.
Explains that the landowner will be notified and can show up at the public hearing. This bill front loads the notification to the landowner to allow participation in the process.
Comments that is a big improvement in the process.
Notes the deleted language on page 2 of the SB 516 B8 amendments, and asked if the problem was reducing the value of the property.
Explains they have changed the language because there are situations where rezoning does not result in a reduction; it may result in an appreciation of property value. They think the word "change" is more accurate than "reduce."
MOTION: Moves to ADOPT SB 516-B8 amendments dated 5/19/03.
VOTE: 6-0-1
EXCUSED: 1 - Rep. Monnes Anderson
Hearing no objection, declares the motion CARRIED.
MOTION: Moves SB 516 B to the floor with a DO PASS AS AMENDED recommendation.
Comments that he will vote for the motion but there is a lot about this bill he doesn't understand very well. Notes that another committee has already had review of the bill, and he will be deferring to the other committee when he votes yes.
VOTE: 6-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Rep. Monnes Anderson
The motion CARRIES.

REP. RICHARDSON will lead discussion on the floor.

154

Chair Doyle

Closes the work session on SB 516 B and adjourns the meeting at 2:19 p.m.

EXHIBIT SUMMARY

A – HCR 10, HCR 10-3 amendments, Bruce Anderson, 1 p

B – SB 516, SB 516-B8 amendments, Harlan Levy, 4 pp