

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 23, 1999 Hearing Room D

1:00 P.M. Tapes 124 - 127

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Jason Atkinson

Rep. Richard Devlin

Rep. Juley Gianella

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

STAFF PRESENT: Kristina McNitt, Administrator

Danielle Hamilton, Administrative Support

MEASURE/ISSUES HEARD: HJM 3 Public Hearing

HB 3467 Public Hearing

HB 2979 Public Hearing

HB 3571 Public Hearing and Work Session

HB 3599 Public Hearing and Work Session

HB 3235 Public Hearing and Work Session

HB 3089 Public Hearing

HJR 46 Public Hearing

HB 2591 Public Hearing

HB 3060 Public Hearing

HB 3419 Public Hearing

HJR 38 Public Hearing

HB 3541 Public Hearing

HB 2468 Public Hearing

HB 3131 Public Hearing

HB 3205 Public Hearing

HB 3454 Public Hearing

HB 2713 Public Hearing

HB 3606 Public Hearing

HB 3168 Public Hearing

HB 3435 Public Hearing

HB 3609 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 124, A		
004	Chair Welsh	Calls meeting to order at 3:20 p.m. and opens a public hearing on HJM 3.
<u>HJM 3 PUBLIC HEARING</u>		
040	Rep. Bob Jenson	House District 57. Testifies in support of HJM 3. States the memorial is a response to the National Marine Fisheries Service (NMFS) biological opinion of 1995, specifically the "bucket-for-bucket" principle. Explains that the principle requires an irrigator withdrawing water from the Columbia River to replace the water from an upstream water right, adding that it has had "wide and detrimental effects on Oregon and Oregonians." Asserts the principle is based upon "completely ludicrous flow projections," noting that there is no way for the Columbia to reach NMFS projections. Indicates the memorial requests that NMFS discontinue bucket-for-bucket mitigation and directs it to develop standards to mitigate harm to endangered species in the Columbia and Snake River basins.
089	Chair Welsh	Closes the public hearing on HJM 3 and opens a public hearing on HB 3467.
<u>HB 3467 PUBLIC HEARING</u>		
096	Kristina McNitt	Committee Administrator. Gives a brief description of the bill.
106	Rep. Al King	House District 44. Testifies in support of HB 3467. Discusses dive parks in other states, indicating that the creation of dive parks in Oregon would provide additional tourist attractions in the state. Clarifies that such parks would not be established where other activities are taking place. Acknowledges there will

		likely be a fiscal impact as a result of passage. Says that the only things necessary to get the program underway are signs directing divers to the parks.
149	Susan Hutchinson	Concerned citizen, City of Eugene. Testifies in support of HB 3467. Says that many Oregonians spend hundreds of dollars to visit dive parks out-of-state, spending money that could remain in Oregon if the bill passes.
158	Monty King	Concerned citizen. Testifies in support to HB 3467 (EXHIBIT A). Describes the equipment necessary for diving. Indicates that the ñ1 amendments (EXHIBIT B) have been submitted for consideration by the committee. Mentions several parks in Washington. Urges the committee to rescind the subsequent referral to the Committee on Ways and Means.
190	Rep. Merkley	Inquires whether an amendment clarifying exactly what would be necessary to establish a park would be considered a "friendly" amendment.
198	King	Replies that such an amendment would be acceptable. Suggests that the advisory committee should be the body that determines where parks will be situated. Mentions there were discussions with the Parks Department in the past.
226	Rep. King	Comments that the Parks Department already has the ability to create dive parks, but that the bill would provide the impetus to do so.
233	Jim Lockwood	Representative, Parks and Recreation Department. Testifies in support of HB 3467. Says the Parks Department had been working on a dive park program with little progress. Clarifies that the ñ1 amendments would change the deadline, thereby spreading out the fiscal impact.
246	Rep. Merkley	Reiterates that the bill's proponents are concerned primarily with signage, while the Parks Department appears to be concerned primarily with infrastructure development. Inquires whether the department has a clear understanding of what the proponents of the bill are asking for in requesting dive parks.
263	Lockwood	Replies that it is "generally clear," acknowledging that there are many variations on the theme. Says the spirit of keeping the project simple is one that the department can agree on. Expresses doubt that cost can be specified at this time.
278	Rep. Morgan	Requests confirmation that the Parks Department currently has the authority to create dive parks.
286	Lockwood	Replies that it does. Mentions that the bill deals with liability as an ancillary issue, but that the primary reason for the bill is to send a message to the Parks Department.
305	Rep. Morgan	Wonders why the department has not already established a dive park.
309	Lockwood	Replies that concepts for parks have been considered. Explains that the

		department would prefer to work with the industry, which would be facilitated by the official direction of the legislature through passage of the bill.
319	Rep. Morgan	Inquires whether the Parks Department currently has the authority to establish an advisory committee.
324	Lockwood	Replies that there are several advisory committees created through statute, as well as many less formal groups. Reiterates that legislation is not absolutely necessary for the formation of dive parks.
336	Chair Welsh	Clarifies that the Committee on Ways and Means will clear up some of the ambiguities regarding the cost of the bill.
341	Rep. Gianella	Asks if it would be helpful to outline the plan, in order to prevent a third party from complicating the program and increasing its cost.
356	Lockwood	Answers that he would be the one in position to complicate the issue, and that he has no intention of doing so.
371	Chair Welsh	Closes public hearing on HB 3467 and opens a public hearing on HB 2979.
<u>HB 2979 PUBLIC HEARING</u>		
385	Rep. Roger Beyer	House District 28. Testifies in support of HB 2979. Indicates that the ñ1 amendments (EXHIBITS C & D) have been submitted for consideration by the committee. States that the bill creates an Education Reserve Fund, appropriated from proceeds received by the Division of State Lands (DSL).
406	Ross Day	Legislative Aide, Rep. Roger Beyer. Testifies in support to HB 2979. Indicates there has been a problem with the promulgation of rules by DSL. States that the ñ1 amendments represent a simpler plan than the one currently used. Mentions that DSL has an inventory of all submerged and submersible state lands. Says there are people who should be under lease agreements with the state who are not, due to exceptions.
TAPE 125, A		
020	Rep. Taylor	Requests an explanation for the change from minimum to maximum within the ñ1 amendments.
028	Day	Replies that the bill was originally to include a floor, rather than a ceiling, for lease rates. Explains that the rate schedule and minimum rate are designed to provide uniformity and equity to the current submerged land lease rate structure.
035	Rep. Taylor	Inquires whether the intent of the bill is to set into statute what DSL currently

		does by rule.
040	Day	Responds in the affirmative with regard to setting lease rates through the ñ1 amendments.
044	Rep. Taylor	Requests confirmation that it is the intent of the sponsors to put a ceiling, rather than a floor.
051	Day	Concurs with Sen. Taylor.
054	Rep. Ken Messerle	House District 48. Testifies in support of HB 2979. Says the bill would level the playing field for property owners. Suggests there should be a survey to insure that the program works as it is intended.
075	Rep. Taylor	Says that lease money from submergible lands currently goes to the school fund. Wonders how the bill would alter the arrangement.
078	Rep. Beyer	Replies that the current funds would not change, but that new funds would be put into the Education Reserve Fund. Mentions there is another amendment being drafted that will be necessary for the bill to be voted out of committee.
103	John Lilley	Assistant Director, DSL. Testifies in opposition to HB 2979 and the ñ1 amendments (EXHIBIT E). Indicates that the bill represents two distinct policy issues; a redirection of funds to a new reserve and the establishment in law of lease rates for submersible lands. Describes the informational materials (EXHIBIT F) provided to the committee. Says the bill would create inconsistency and widen inequities in rates. Indicates that some leasees, such as those who move logs down river, would see their rates rise considerably. Asserts that the amendments would create a "one size fits all" approach that would be inequitable.
160	Lilley	Mentions that a task force was appointed to study the issue for DSL. Acknowledges that the issue remains controversial. Says the proposed use rate system would advantage those with below-market lease rates. States that the choice method embodies the same logic as similar systems in other western states and British Columbia, Canada.
210	Lilley	Compares the choice model to the proposed flat rate of the ñ1 amendments. Explains that the choice model tries to resolve inequities in the rate system. Mentions that DSL has been involved in waterway leasing since 1909, depositing the revenues so gained into the common school fund. Says there are 387 leases, covering 30 different waterways. Asserts it is necessary and appropriate to allow the State Land Board to continue to establish rules and rates.
246	Rep. Morgan	Inquires whether there has been an inventory of submersible lands owned by the state.
250	Lilley	Replies that DSL has performed such an inventory, adding that the issue is larger

		than merely identifying the applicable lands. Indicates the task force has also begun an inventory of improvements made to submersible lands.
266	Rep. Morgan	Requests clarification as to how many leaseholders are currently in the system.
269	Lilley	Replies there are 387 individual leases for waterway users.
273	Rep. Morgan	Wonders how many must still be inventoried and placed under lease.
276	Lilley	Replies there are between 50-100 leases yet to be identified and acquired. Mentions that the State Land Board recently established a program to require registry of noncommercial docks and boathouses fewer than 2,500 square feet, resulting in nearly 300 new registries. Explains that those structures are exempt from leases
293	Rep. Morgan	Wonders how many more such structures are yet to be identified.
297	Lilley	Responds that DSL estimates there are 2-3,000 such structures that have yet to be identified. Describes the types of facilities that fall into the category.
319	Bill Babeckos	Yacht Broker, City of Portland. Testifies in support of HB 2979 (EXHIBIT G). States that the changes proposed by DSL do not reflect the realities of the boat business. Asserts that the boat business is over-regulated. Argues that the proposed rates are too high and the rules too complicated.
370	Babeckos	Submits letters from two concerned citizens (EXHIBITS H & I). Says the flat rate is simple and would be easier to administer. Says that comparisons cannot be drawn between Portland and other western cities, as there are important differences. Submits that funds should continue to go to the common school fund.
TAPE 124, B		
010	Jon Englund	Concerned citizen, City of Astoria. Testifies in support to HB 2979. Compares floating leases to upland leases. Explains that floating leases have been kept on a flat rate over the past several years, with log rafts paying \$.00445 per square foot, with moorage and houseboats paying \$.008 per square foot. Explains the formula for calculating upland leases. Says that upland leases, which make up only 6 percent of the total leases, provide 56 percent of the revenue, due largely to increases in assessed value.
055	Englund	Uses his property as an example of why the current system does not work. Refers to a letter to the Governor prepared by residents of Astoria (EXHIBIT J). Indicates that the task force has spent years working to address the problem.
098	Chair Welsh	Closes the public hearing on HB 2979 and opens a public hearing on HB 3571.

HB 3571 PUBLIC HEARING

110	Rep. Lane Shetterly	House District 34. Testifies in support of HB 3571. Explains that the bill modifies the definition of community centers with regard to what may be placed in exclusive farm use (EFU) zones. Indicates that the ñ1 amendments (EXHIBIT K) , which have been submitted for consideration by the committee, would narrow the definition of community center as for the exclusive use of the rural community. Offers as an example the community of Wrenn, which was to be the site of a library and conference center for the City of Corvallis.
180	Rep. Shetterly	Submits additional testimony for the committee's consideration (EXHIBITS L, M) .
183	Rep. Kruse	Requests confirmation that Wrenn is an unincorporated township.
185	Rep. Shetterly	Confirms Rep. Kruse's statement.
190	Chair Welsh	Closes the public hearing on HB 3571 and opens a work session on HB 3571.

HB 3571 WORK SESSION

192	Rep. Kafoury	MOTION: Moves to ADOPT HB 3571-1 amendments dated 4/23/99.
195		VOTE: 8-0-1 EXCUSED: 1 - Devlin
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
198	Rep. Kafoury	MOTION: Moves HB 3571 to the floor with a DO PASS AS AMENDED recommendation.
206		VOTE: 8-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Devlin
	Chair Welsh	The motion CARRIES.

		REP. SHETTERLY will lead discussion on the floor.
219	Chair Welsh	Closes the work session on HB 3571 and opens a public hearing on HB 3599.
<u>HB 3599 PUBLIC HEARING</u>		
225	Rep. Lane Shetterly	House District 34. Testifies in support of HB 3599. Offers testimony and materials from Clarence Vernell (EXHIBIT N), one of his constituents. Explains that Mr. Vernell was told that he could not repair existing tile in one of his fields, as it was considered a prohibited work in a wetlands area.
275	Rep. Shetterly	Says the bill clarifies the activities allowed on converted wetlands in EFU zones. Clarifies that the bill will not add acreage into production or convert wetlands into productive fields.
309	John Lilley	Assistant Director, DSL. Testifies in support of HB 3599 (EXHIBIT O). Acknowledges that it is difficult to apply the law to some wetland areas. Offers an overview of Mr. Vernellis case. Explains that some agricultural areas retain water and develop ponds used by waterfowl. Says that DSL has worked together with Oregonians for Food and Shelter and the Oregon Farm Bureau (OFB) to craft a law to address the problem by clarifying the issue of EFU wetland regulation.
360	Rep. Kruse	Wonders if there was a "technical glitch" in the Vernell case with regard to the wetland overlay.
369	Lilley	Replies that was the case.
379	Chair Welsh	Indicates that the ñ1 amendments (EXHIBIT P) have been submitted for consideration by the committee.
385	Pete Test	Associate Director of Governmental Affairs, OFB. Testifies in support of HB 3599 (EXHIBIT Q). Reiterates there is no intention to drain additional wetlands through passage of the bill. Discusses the necessity of crop rotation as an alternative to field burning. Explains that drainage is vital to crop rotation. Offers an overview of the ñ1 amendments.
TAPE 125, B		
029	Glenn Stonebrink	Representative, Oregon Cattlemenís Association. Testifies in support of HB 3599. Says the bill would clarify past differences between the United States Department of Agriculture (USDA) and DSL regarding the definition of wetlands.
048	Chair Welsh	Closes the public hearing on HB 3599 and opens a work session on HB 3599.

HB 3599 WORK SESSION

051	Rep. Kruse	MOTION: Moves to ADOPT HB 3599-1 amendments dated 4/22/99.
		VOTE: 7-0-2 EXCUSED: 2 - Devlin, Merkley
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
055	Rep. Kruse	MOTION: Moves HB 3599 to the floor with a DO PASS AS AMENDED recommendation.
060		VOTE: 8-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Devlin
	Chair Welsh	The motion CARRIES. REP. KRUSE will lead discussion on the floor.
		See TAPE 125, B @ 180 for Rep. Merkley's final vote on HB 3599.
070	Chair Welsh	Closes the work session on HB 3599 and opens a public hearing on HB 3235.
<u>HB 3235 PUBLIC HEARING</u>		
079	Rep. Rob Patridge	House District 50. Testifies in support to HB 3235. Indicates the bill was brought forth at the request of the League of Oregon Cities (LOC). Says the bill would place some of the funds currently under Ballot Measure 66 into a grant program for after-school recreation programs in local municipalities. Indicates there is currently \$4 million available for parks to develop such programs. Suggests the bill should be sent to the Committee on Ways and Means.
127	Jim Lockwood	Representative, Oregon Parks and Recreation Department. Testifies in support of HB 3235. Reiterates there is a grant program already in place, into which the program in the bill could be placed. Expresses concern regarding Ballot Measure 66 funding.

137	Rep. Kruse	Asks if the grant program qualifies as capital investment under Ballot Measure 66.
139	Lockwood	Replies that the capital investment section of Ballot Measure 66 applies only to salmon watersheds.
145	Rep. Kruse	Wonders if there has been research by the Parks Department to define specific "universes."
152	Lockwood	Does not recall such research. Indicates that the criterion for Ballot Measure 66 funds is to work with cities and counties to determine what will be done.
157	Rep. Patridge	Mentions that he is on the Natural Resources Subcommittee of Ways and Means, where the bill will be considered if it is passed out of the Committee on Water and Environment.
161	Chair Welsh	Closes the public hearing on HB 3235 and opens a work session on HB 3235.
<u>HB 3235 WORK SESSION</u>		
164	Rep. Kruse	MOTION: Moves HB 3235 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
170		VOTE: 8-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Devlin
	Chair Welsh	The motion CARRIES.
174	Chair Welsh	Closes the work session on HB 3235 and reopens the work session on HB 3599.
<u>HB 3599 WORK SESSION</u>		
180	Rep. Kruse	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. MERKLEY to BE RECORDED as voting AYE on the MOTION to move HB 3599 to the floor with a DO PASS AS AMENDED recommendation.
181		VOTE: 8-0-1

		EXCUSED: 1 - Devlin
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
		This vote motion for HB 3599 is reflected on TAPE 125, B @ 060 on this minutes document.
185	Chair Welsh	Closes the work session on HB 3599 and reopens a public hearing on 2979.
<u>HB 2979 PUBLIC HEARING</u>		
200	Paul Hanneman	Representative, West Coast Seafood Processors. Testifies in support of HB 2979. Argues that it is unfair to force a small percentage of landowners to pay 60 percent of the fees. Says that the n1 amendments will, in most cases, provide equity and simplicity.
245	Jay McCaulley	Environmental Consultant, City of Portland. Testifies in support of HB 2979 (EXHIBIT R) . Says that only 417 miles of waterfront have been surveyed in Oregon. Comments that DSL has found 2,100 structures that had managed to "slip through the cracks" and will now be leased or registered. Indicates that there is no obligation to put funds gained through the program into the trust fund.
300	McCaulley	Describes some of the activities of the task force. Describes variations in the assessed values of several parcels of waterfront land.
380	Rep Taylor	Says that McCaulley's testimony demonstrates the difficulties involved in setting lease rates. Expresses disappointment that there has been an inability to reach agreement. Requests additional information regarding how rates would change under the choice model.
422	McCaulley	Replies that the task force asked those questions. Says that DSL pursued the issue reluctantly. Asserts that answers to some of Rep. Taylor's question have been embodied in the bill. Says the first model would have increased the annual moorage for his property from \$7,500 to \$75,000.
TAPE 126, A		
011	Rep. Taylor	Surmises that McCaulley would not choose that option.
013	McCaulley	Replies that the model was presented before there were choices offered. Indicates that the current choices range from \$23,000-\$568,000 per year. Concludes that the numbers belie the unfeasibility of the choice model.

023	Rep. Merkley	Says the state generally appraises or auctions properties in order to determine prices. Asks if there is an appeal process in place to challenge assessed values.
037	McCaulley	Replies that there is an appeals process. Explains that a system relying on appraised value would require an appeal to be made with the county assessor, as DSL would have no say in the matter. Argues that DSL has chosen not to put an appeals process into the proposed rules. Mentions the suggestion was made to allow appeals for appraisals, which was adopted but would only be done at cost to the property owner.
060	Rep. Merkley	Inquires whether an improved appraisal or appeals process would suffice, while recognizing the differing value of properties.
067	McCaulley	Replies there are two ways of achieving such a goal, short of appraising every piece of property in the state: <ul style="list-style-type: none"> • The development of a statewide average using a larger number of properties from all geographic regions • Clear and precise delineation as to the size and location of each property
090	Mel Pittman	Representative, Columbia River Yachting Association. Testifies in support of HB 2979 (EXHIBIT S). Says the graduated flat-rate proposal should be adopted, as the choice model produces unfair results. Indicates that additional revenue will be garnered as more properties are brought into compliance.
112	Chair Welsh	States that he is not completely comfortable with the issue and is not prepared to move the bill at this time. Closes the public hearing on HB 2979 and opens a public hearing on HB 3089.
		Additional testimony was submitted for the consideration of the committee (EXHIBIT T).
<u>HB 3089 PUBLIC HEARING</u>		
138	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3089 and opens a public hearing on HJR 46.
<u>HJR 46 PUBLIC HEARING</u>		
142	Chair Welsh	Indicates that the resolution will be brought back for additional hearings at a later date. Closes the public hearing on HJR 46 and opens a public hearing on HB 2591.
<u>HB 2591 PUBLIC HEARING</u>		
146	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 2591 and opens a public hearing on HB 3060.

HB 3060 PUBLIC HEARING

150	Rep. Leslie Lewis	House District 29. Testifies in support of HB 3060. Indicates that a problem dealing with the use of existing septic systems has prompted introduction of the bill, as DEQ has been unwilling to handle the problem administratively.
190	Debra Owens	Concerned citizen, City of Dundee. Testifies in support of HB 3060 (EXHIBIT U). States that she originally purchased the property in 1993, although the building there was constructed in 1977. Indicates the building has been used as a residence since its construction by a number of people. Gives an overview of the presented materials.
221	Owens	States that problems ensued when she attempted to hook up the existing septic system, as the county had no record of a permit ever being filed for it. Explains that current DEQ rules prevent permits for the construction of a septic system in such close proximity to a river. Indicates that she and her husband are unable to live in or work on the house because of the restriction. Mentions that the county has filed a lawsuit against her for public nuisance. Asserts that she should be allowed to continue to use the property. Acknowledges the concerns that DEQ may have with the bill, given its generality.
270	Rep. Morgan	Inquires where the system is located on the property.
279	Owens	References the map included in (EXHIBIT U) to show the location of the septic tank.
286	Rep. Morgan	Requests clarification that the problem is that Owens cannot site the tank outside of the "setback" zone.
290	Owens	Replies that DEQ requires septic systems to be placed further than 50 feet from the riverbank. Mentions that county ordinances were vague at the time the system was constructed in 1977 and that they did not come into compliance with state regulations until 1982. Asserts that the system has worked properly since its installation.
305	Rep. Morgan	Asks if there is documentation as to when the system was installed.
317	Owens	States there are no documents on file in the county. Mentions that she served as Yamhill County Commissioner in 1994, during which time she saw several instances of lost documentation. Argues that the county should try to resolve the issue, rather than force her to take her problem to the legislature.
326	Rep. Lewis	Reiterates that the building was constructed with a permit. Presumes that the county would have also permitted the septic system at that time.
346	Rep. Morgan	Requests confirmation that records exist for the building permit.

348	Owens	Replies that there are such records.
349	Rep. Merkley	Mentions that a Lincoln County report included in the exhibit describes the structure as a boat repair facility. Suggests that the building was occupied without the structure being officially converted into a residence.
367	Owens	Acknowledges that the county has no record of the building being a residential structure. Says county employees have been in the building, meaning the county has prior knowledge of its status as a residence.
389	Rep. Merkley	Wonders if a holding tank would be a viable alternative.
396	Owens	Replies that she has discussed that option with DEQ. Indicates that the cost for a 2,000-gallon tank would be \$350 per month.
422	Rep. Devlin	Inquires as to the distance from the riverbank to the closest road.
432	Owens	Replies that the right-of-way through the area is 80 feet, between the river and a wetland area. Mentions that she has inquired about the possibility of purchasing some of the right-of-way for the purpose of constructing a new septic tank. Asserts that it is unlikely that the Oregon Department of Transportation (ODOT) will ever make improvements to the road, given its position between the river and the wetlands.
TAPE 127, A		
009	Rep. Devlin	Comments that he has been involved in meetings with ODOT in which committees have urged that the department sell off some of its right-of-way lands.
015	Stephanie Hallock	Eastern Region Administrator, Department of Environmental Quality (DEQ). Testifies in opposition to HB 3060 (EXHIBIT V). Expresses empathy for Owens' situation, but says a precedent must not be set for such exceptions to be made, as there are a great number of similar cases statewide. Says that DEQ has not been involved in the dialogue with ODOT until recently. Indicates that there are other cheaper alternatives to a holding tank, although they are also more expensive than a septic system. Mentions there are costs associated with all of the alternatives.
061	Chair Welsh	Wonders why the existing system should not be used until the problem is resolved. Mentions that the system has had no problems in the past.
063	Dennis Ilingworth	Representative, DEQ. Testifies in opposition to HB 3060. Indicates that the county has been unable to locate a drain field on the site, despite extensive probing.
072	Rep. Merkley	Supposes that the holding tank is also serving as a digestion tank.

075	Illingworth	Replies that the county can find no drainage structure other than the holding tank, making it difficult to verify such an assumption.
079	Rep. Merkley	Asks if there are technologies that allow for filtration of water out of a holding tank in order to reduce the need to pump.
087	Illingworth	Replies that no such system is cost effective.
089	Chair Welsh	Inquires about the possibility of a sand filter.
092	Illingworth	Indicates that sand filters only partially treat effluent, meaning that a drain field would still be necessary. Acknowledges that the permit process allows a system to be engineered specifically for a site, so long as it meets DEQ approval. Suggests there is the possibility to resolve Owens situation in that manner.
098	Hallock	Offers to provide additional information on alternative systems.
106	Rep. Morgan	Asks when a resident last occupied the property in question and used the existing septic system.
108	Illingworth	Replies that he does not know when such occupation last took place.
112	Owens	Says there were occupants in the building until June of 1993.
113	Rep. Morgan	Asks how long the residents who left in 1993 had occupied the property.
114	Owens	Responds that the occupants had resided on the property for over two years.
115	Rep. Morgan	Wonders if there is any record of problems associated with the septic system during that period of time.
117	Owens	Mentions that there is nothing on file with the county regarding complaints.
120	Hallock	Inquires whether a dye test was ever performed to determine whether sewage was escaping into the river.
126	Owens	Replies that she does not know if a dye test was ever performed.
128	Rep. Morgan	Asks if it is reasonable to assume that sewage would be visible on the ground if there was a problem with the system.
133	Illingworth	Replies that it is possible for such evidence to show itself, unless the material

		escaped into the river or nearby wetland area.
137	Rep. Morgan	Asks what sort of evidence may manifest on the river if sewage were to escape into it.
139	Illingworth	Replies there would be little evidence of leakage, other than what is detectable through dye testing or bacteriological analysis.
144	Rep. Merkley	Asks if there has been other property where alternative solutions have been successfully implemented.
158	Hallock	Answers that DEQ has been searching for solutions. Mentions that there have been some cases where a solution could not be found, leaving property owners to suffer the consequences.
166	Rep. Devlin	Mentions that there are advocates for "gray water" systems in areas of water scarcity. Wonders if such a system would be legal in Oregon.
177	Illingworth	Replies that DEQ does allow for the use of "split-waste" systems, such as composting or incinerating toilets, which use gray water disposal. Suggests that a system engineered for Owensí property might incorporate such a device.
183	Rep. Devlin	Inquires about disposal requirements for gray water.
190	Illingworth	Explains that gray water is usually considered to be sewage. Acknowledges that DEQ has considered it for other below-ground uses.
205	Chair Welsh	Indicates that additional research will be done on the matter. Closes the public hearing on HB 3060 and opens a public hearing on HB 3419.
<u>HB 3419 PUBLIC HEARING</u>		
220	Don Fell	Concerned citizen, City of Astoria. Testifies in support of HB 3419 (EXHIBIT W). States that the bill represents a long-term solution to the problems associated with the mercury in fluorescent light bulbs. Says the problems associated with mercury were first considered in the Waste Reduction Act of 1997, which documented that millions of fluorescent lamps become part of the solid waste stream each year, contaminating air, surface water, and groundwater. Indicates that DEQ has determined that only 3 percent of fluorescent lamps are disposed of properly, since only large businesses and government participate in recycling of the lamps.
270	Fell	Mentions that the Sierra Club supports efforts to study and address the problem (EXHIBIT X). Says that the bill would allow for the processing of fluorescent bulbs, so as to make the mercury inert. Describes the process by which mercury can be made inert.

320	Fell	Concludes that a long-term solution is required to deal with mercury contamination, rather than a "Band-Aid." Indicates that due to cost concerns there are currently few recyclers.
360	Rep. Merkley	Wonders what purpose Mercury serves in a fluorescent bulb.
368	Fell	Explains that mercury acts as a conductor of electricity to fluoresce the phosphates within the bulb.
372	Rep. Merkley	Asks if the mercury is in vapor form.
374	Fell	Replies that the mercury begins as a liquid, which vaporizes as the bulb warms up.
376	Rep. Merkley	Recalls that a fee would be charged for processing the bulbs. Indicates there is no mention of a fee in the bill.
382	Fell	Explains that the bill would merely direct the study of the problem and the development of a solution.
391	Rep. Merkley	Asks if there are federal environmental grants available for such a study.
403	Fell	Replies that he has been unable to find grants for the study, as the Environmental Protection Agency (EPA) does not feel there is a solution to the problem.
TAPE 126, B		
007	Hillary Abraham	Legislative Affairs Program Director, Oregon Environmental Council (OEC). Testifies in opposition to HB 3419 (EXHIBIT Y). States that OEC agrees that mercury is extremely hazardous. Says the ultimate goal of the research is to find safe ways to dispose of mercury in landfills. Indicates that Oregon has a successful recycling program for mercury lamps and that any money spent should go toward expanding recycling.
034	Rep. Merkley	Inquires about what happens to fluorescent bulbs when they are taken to hazardous waste centers.
038	Abraham	Replies that DEQ has a program for recycling fluorescent bulbs.
042	Lori Aunan	Representative, DEQ. Testifies in opposition to HB 3419 (EXHIBIT Z). Mentions that the fiscal impact of the bill is not anticipated in the Governor's budget. States that fluorescent bulb recycling has increased over the past several years. Argues that funding for mercury projects should be directed towards recycling.

062	Rep. Merkley	Wonders what percentage of fluorescent lamps in Oregon are currently recycled.
065	Aunan	Estimates that 22 percent of mercury-containing lamps in Oregon are recycled.
068	Rep. Merkley	Inquires how to go about recycling fluorescent lamps. Notes that they are not allowed in curbside recycling.
073	Aunan	Replies that lamp recycling is done only at the larger recycling centers. Asserts that household recycling of lamps will require a great deal of public education. Mentions that large companies or government entities turn in most of the lamps currently being recycled.
089	Rep. Merkley	Expresses appreciation to Fell for bringing the issue to the attention of the committee and the legislature.
098	Chair Welsh	Closes the public hearing on HB 3419 and opens a public hearing on HJR 38.
<u>HJR 38 PUBLIC HEARING</u>		
107	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HJR 38 and opens a public hearing on HB 3541.
<u>HB 3541 PUBLIC HEARING</u>		
109	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3541 and opens a public hearing on HB 2468.
<u>HB 2468 PUBLIC HEARING</u>		
115	Chair Welsh	Mentions that the ñ1 amendments (EXHIBIT AA) and ñ2 amendments (EXHIBIT BB) have been submitted for consideration by the committee. Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 2468 and opens a public hearing on HB 3131.
<u>HB 3131 PUBLIC HEARING</u>		
121	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3131 and opens a public hearing on HB 3205.
<u>HB 3205 PUBLIC HEARING</u>		
125	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3205 and opens a public hearing on HB 3454.

<u>HB 3454 PUBLIC HEARING</u>		
129	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3454 and opens a public hearing on HB 2713.
<u>HB 2713 PUBLIC HEARING</u>		
135	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 2713 and opens a public hearing on HB 3606.
<u>HB 3606 PUBLIC HEARING</u>		
141	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3606 and opens a public hearing on HB 3168.
<u>HB 3168 PUBLIC HEARING</u>		
148	Rep. Atkinson	Mentions that efforts have been made to bring in three tribes who are interested in the bill's passage. Indicates that additional hearings will be held once arrangements are made.
156	Chair Welsh	Closes the public hearing on HB 3168 and opens a public hearing on HB 3435.
<u>HB 3435 PUBLIC HEARING</u>		
160	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3435 and opens a public hearing on HB 3609.
<u>HB 3609 PUBLIC HEARING</u>		
163	Chair Welsh	Indicates that the bill will be brought back for additional hearings at a later date. Closes the public hearing on HB 3609 and adjourns the meeting at 4:20 p.m.

Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,
Administrative Support Administrator

Transcribed By,

Patrick Brennan,

Administrative Support

-

EXHIBIT SUMMARY

A ñ HB 3467, testimony, Monty King, 9 pp.

B ñ HB 3467, -1 amendments, staff, 1 p.

C ñ HB 2979, -1 amendments, staff, 1 p.

D ñ HB 2979, -1 hand-engrossed bill, staff, 3 pp.

E ñ HB 2979, testimony, John Lilley, 2 pp.

F ñ HB 2979, informational materials, John Lilley, 347 pp.

G ñ HB 2979, testimony, Bill Babeckos, 1 p.

H ñ HB 2979, testimony of W.A. Montgomery, Bill Babeckos, 2 pp.

I ñ HB 2979, testimony of Jan R. Hamer, 3 pp.

J ñ HB 2979, testimony, Jon Englund, 2 pp.

K ñ HB 3571, -1 amendments, staff, 1 p.

L ñ HB 3571, correspondence, Rep. Lane Shetterly, 2 pp.

M ñ HB 3571, testimony of Michael K. Collmayer, Rep. Lane Shetterly, 1 p.

N ñ HB 3599, correspondence, Rep. Lane Shetterly, 13 pp.

O ñ HB 3599, testimony, John Lilley, 2 pp.

P ñ HB 3599, -1 amendments, staff, 1 p.

Q ñ HB 3599, testimony, Pete Test, 1 p.

R ñ HB 2979, testimony, Jay McCaulley, 2 pp.

S ñ HB 2979, testimony, Mel Pittmon, 2 pp.

T ñ HB 2979, testimony, Cherie Sprando, 1 p.

U ñ HB 3060, testimony, Debbi Owens, 14 pp.

V ñ HB 3060, testimony, Stephanie Hallock, 2 pp.

W ñ HB 3419, informational materials, Don Fell, 7 pp.

X ñ HB 3419, testimony, Jeff Watkins, 1 p.

Y ñHB 3419, testimony, Hillary Abraham, 1 p.

Z ñ HB 3419, testimony, Lauri Aunan, 2 pp.

AA ñ HB 2468, -1 amendments, staff, 2 pp.

BB ñBH 2468, -2 amendments, staff, 1 p.