

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 26, 1999 Hearing Room D

1:00 P.M. Tapes 128 - 133

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

MEASURES HEARD: HB 2101 Work Session HB 2932 Work Session

HB 3205 Work Session HB 2817 Work Session

HB 3455 Work Session HB 2801 Work Session

HB 2866 Work Session HB 2637 Work Session

HJM 6 Work Session HB 3054 Work Session

HB 3541 Work Session

HB 2173 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 128, A

004	Chair Welsh	Calls meeting to order at 1:15 PM and opens a work session on HB 2101
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HB 2101 WORK SESSION

021	Joe Rohleder	Deputy Director, Oregon Department of Fish and Wildlife (ODFW). Testifies in support of HB 2101 (EXHIBIT A).
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042	Chair Welsh	Points out letter from the Joint Committee on Stream Restoration and Species Recovery in support of HB 2101 (EXHIBIT B). Notes that HB 2101 needs to be referred to the Committee on Revenue.
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060	Rep. Atkinson	Asks Chair Welsh if his intention is to keep the credit at \$500,000 or lower it to \$100,000. Notes if it is lowered a referral is not necessary.
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062	Chair Welsh	Answers that any credit must be referred to Revenue.
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070	Rep. Devlin	MOTION: Moves HB 2101 to the floor with a DO PASS recommendation and BE REFERRED to the Committee on Revenue.
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072	Rep. Devlin	Asks if a letter could be attached to HB 2101 requesting that the Revenue Committee leave the credit at \$500,000.
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079	Chair Welsh	Explains that the do pass recommendation will indicate to the Revenue Committee that the desire is for the credit to remain \$500,000. Notes that EXHIBIT B will be attached to HB 2101 when it is referred.
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084	Rep. Atkinson	Asks, following Revenue's assessments of HB 2101, if it will come back to House Water and Environment.
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089	Chair Welsh	Comments on his experiences as a member of the Revenue Committee.
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		VOTE: 9-0
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095	Chair Welsh	Hearing no objection, declares the motion CARRIED.
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109	Chair Welsh	Closes the work session on HB 2101 and opens a work session on HB 3205.
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HB 3205 WORK SESSION

117	Rep. Terry Thompson	House District 4. Testifies in support of HB 3205. Reviews history leading to HB 3205. Explains provisions of HB 3205.
170	Rep. Thompson	Comments that the dock owner does not know the extent of damage to the environment which makes evaluating the clean-up cost very difficult.
220	Rep. Thompson	Comments on the difficulty with changing over of dock owners.
225	Mary Wahl	Waste Management and Clean-up Administrator, Department of Environmental Quality (DEQ). Testifies in support of HB 3205 (EXHIBIT C). Discusses the process of stripping paint off the surface of boats. Notes that shipyards create large amounts of "grit waste" by this process.
240	Rep. Thompson	Remarks that the boating industry has gone to palimar-based paints, so the problem is not as extensive as it was.
233	Chair Welsh	Asks how the industry fell outside the present industrial clean-up laws.
237	Wahl	Answers that it is not outside of clean-up laws.
240	Rep. Thompson	Comments on the concerns of dock owners regarding the cost of clean- up. Notes that many will close up shop if they are forced to carry the entire cost of clean-up.
246	Chair Welsh	Remarks that he does not understand why DEQ was not working on this problem initially.
255	Wahl	Responds that DEQ is working on the clean-up and HB 3205 will be helpful in that process.
272	Rep. Thompson	Comments that the cost of evaluation on affected areas can be astronomical.
281	Rep. Morgan	Asks for definition of "small boat repair facility."
285	Wahl	Provides definition.
288	Rep. Morgan	Asks if there is a statutory definition of a small boat repair facility.
291	Wahl	Answers no.
294	Rep. Morgan	Asks if there is a list that establishes what facilities fall into the small, medium, and large categories.

296	Wahl	Answers DEQ has tried to make a crude listing of facilities they know about.
300	Rep. Morgan	Asks how many of the facilities fall under the small category.
305	Wahl	Answers about a dozen.
308	John Gardner	Legislative staff for Rep. Thompson. States that about 15 facilities have been identified. Comments on the location of the facilities.
325	Rep. Merkley	Asks if some shipyards are still dumping sand grit into estuaries.
330	Wahl	Responds that it is conceivable that some of the sand grit is still going into the estuaries or the bays, but it is not an acceptable practice. Notes that most of the contaminates are from past practice.
368	Rep. Kruse	MOTION: Moves HB 3205 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.
365	Rep. Kruse	Expresses concerns with recommending a do pass.
371	Rep. Thompson	States concerns with sending HB 3205 to Ways and Means without recommendation.
378	Rep. Kruse	Suggests conceptual amendments to delete Sections 3 and 4, then send to Ways and Means with recommendation.
385	Rep. Merkley	Asks Rep. Kruse if his concerns would be addressed by inserting a blank in place of the amounts in Sections 3 and 4. NOTE: Implied consent of committee to rescind the previous motion.
390	Rep. Kruse	MOTION: Moves to AMEND HB 3205 on page 2, in line 15, by deleting "\$235,000" and inserting a blank and page 2, in line 17, by deleting "\$75,000" and inserting a blank.
412		VOTE: 9-0
	Chair Welsh	Hearing no objection, declares the motion CARRIED.

414	Rep. Kruse	MOTION: Moves HB 3205 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
435		VOTE: 9-0
	Chair Welsh	Hearing no objection, declares the motion CARRIED.
438	Chair Welsh	Closes the work session on HB 3205 and opens a work session on HB 3455.
TAPE, 129, A		
<u>HB 3455 WORK SESSION</u>		
		Staff submits the ñ1 amendments dated 4/26/99 (EXHIBIT E).
014	Roberta LiEsperance	Legislative Aid, Rep. Jane Lokan, House District 25. Testifies in support of HB 3455 (EXHIBIT D). Notes that the ñ1 amendments are intended to replace the original HB 3455. Discusses provisions of ñ1 amendments. Refers to EXHIBIT D, page 1, and discusses conceptual amendments.
058	Rep. Taylor	Points out the Departments of Environmental Qualityís (DEQ) letter in opposition to HB 3455 (EXHIBIT F). Asks if the proponents of HB 3455 worked with DEQ on the amendments.
067	LiEsperance	Asks for a moment to read EXHIBIT F. Notes that DEQ has taken steps to accommodate drivers, but they do not address the heart of the problem.
081	Greg Green	Air Quality Administrator, DEQ. Testifies in opposition to HB 3455. Explains DEQís vehicle testing stations operating hours. Notes DEQ has tried extended hours and did not receive enough customers to justify the extension.
105	Rep. Taylor	Comments on residents in Scappoose. Remarks that HB 3455 could be an accommodation to those who cannot make it to testing sites under the current operating hours.
123	Green	States that in the past when DEQ has extended the hours test facilities have received two or three customers per hour. Notes that it has not been cost-effective to extend hours.
127	Chair Welsh	Asks for the time of year that DEQ extended hours.

129	Green	Answers he does not know.
130	Rep. Morgan	States her interest in knowing how long the extended hours program ran and what was done to publicize it.
135	Green	Explains DEQ's general process for publicizing program changes.
141	Rep. Morgan	Clarifies that if HB 3455 were to pass, the requirement to publicize the new operating hours would not be an added cost, because DEQ already has a publication process.
145	Green	Responds that it would be an added cost in terms of the telephone hotline.
147	Rep. Devlin	Asks Green if he has seen the conceptual amendments.
159	Green	Answers no.
163	Rep. Devlin	Clarifies that the conceptual amendments provide more latitude than HB 3455. Suggests another conceptual amendment to say that only certain stations are required to stay open. Asks Green if that would diminish DEQ's opposition to HB 3455.
165	Green	States that DEQ would prefer to run an interim test that would run for a couple of months and then report back to an interim committee on customer response.
166	Rep. Merkley	Remarks that it takes time for customers to get the new opportunities and materials in mind. Asks if the lack of personnel who want to work night hours is driving the daytime hours.
180	Green	Answers no.
198	Rep. Devlin	MOTION: Moves to further AMEND HB 3455 ñ1 amendments on page 1, in line 9, after "ORS 468a.365," insert "to extend the hours of operation to 9:00 P.M. for some stations for some days of the week".
205	Rep. Devlin	Clarifies the purpose of the motion.
226	Rep. Kafoury	Points out that the ñ1 amendments do not need to be amended. Notes that Rep. Devlin's suggestion is established in the proposed conceptual amendments.
234	Rep. Kruse	States that if the intent of the motion is to require DEQ to extend the hours of operation to 9:00 P.M., the ñ1 amendments only require that they be flexible. Notes DEQ could say they are being flexible under the current schedule and be

		within the letter of the ñ1 amendments.
240	Rep. Devlin	Comments that the ñ1 amendments could also be read to require all five stations to have flexible hours.
249	Rep. Morgan	Comments on the conceptual amendments.
258	LiEsperance	Discusses that intent of HB 3455. Comments on the suggestion of the extended hours being an interim program.
336	Rep. Kafoury	States that she will be voting no. Notes the amendments are adding too much restriction.
340	Rep. Merkley	Comments on the language "extend." Notes that this language could cause some financial implications.
366		VOTE: 8-1 AYE: 8 - Atkinson, Kruse, Merkley, Morgan, Taylor, Gianella, Devlin, Welsh NAY: 1 - Kafoury
	Chair Welsh	The motion CARRIES.
370	Rep. Devlin	MOTION: Moves to ADOPT HB 3455-1 amendments dated 04/23/99 as conceptually amended.
374	Rep. Devlin	VOTE: 8-1 AYE: 8 - Atkinson, Kruse, Merkley, Morgan, Taylor, Gianella, Devlin, Welsh NAY: 1 - Kafoury
	Chair Welsh	The motion CARRIES.
400	Rep. Devlin	MOTION: Moves HB 3455 to the floor with a DO PASS AS AMENDED recommendation.
410		VOTE: 8-1

		<p>AYE: 8 - Atkinson, Kruse, Merkley, Morgan, Taylor, Gianella, Devlin, Welsh</p> <p>NAY: 1 - Kafoury</p>
	Chair Welsh	<p>The motion CARRIES.</p> <p>REP. LOKAN will lead discussion on the floor.</p>
416	Chair Welsh	Closes the work session on HB 3455 and opens a work session on HB 2866.
<u>HB 2866 WORK SESSION</u>		
TAPE 128, B		
013	Stephen Kafoury	Professional Land Surveyors of Oregon (PLSO). Testifies in support of HB 2866. Explains provisions of HB 2866 and the ñ1 amendments dated 4/16/99 (EXHIBIT G). Comments that there are five controversial areas of HB 2866.
043	Gregory Crites	Professional land surveyor, member PLSO. Testifies in support of HB 2866. Provides overview of setting witness monuments. [note that the witness is providing a visual for the committee on the chalk board].
058	Tylor Parsons	Member, Professional Land Surveyors of Oregon, testifies in support of HB 2866.
064	Crites	Continues overview of placements of witness monuments.
077	Parsons	Clarifies the purpose of setting witness monument.
093	Kafoury	Asks Parsons what a witness monument would look like.
096	Parson	Explains the structure of a witness monument.
102	Kafoury	Notes that the first controversial issue addressed in HB 3866 is who says where and when a witness monument should be placed. Questions if it should be the surveyor on the ground or the county surveyor.
107	Rep. Devlin	Asks for an alternative form of monument.

113	Parsons	Provides examples of alternative monuments.
119	Rep. Devlin	Asks if an alternative could be no monument at all.
122	Parsons	Answers no.
125	Rep. Devlin	Asks if "monument" is a reference to another location.
128	Parsons	Answers yes, that is a witness monument.
133	Rep. Devlin	Asks for clarification on the disparity of opinion on HB 3866.
139	Kafoury	Answers that the issue of control is the overall controversy: should the control go to the licensed professional on the ground or the county surveyor.
143	Rep. Gianella	Asks for further clarification regarding placement markers.
150	Parsons	Explains the notification process on markers.
55	Rep. Gianella	Asks if the county surveyors use the same process.
158	Parsons	Responds that there are times when county surveyors cannot set monuments at the true location as well.
160	Rep. Gianella	Asks if they use the same process to indicate that the monument is a witness monument.
162	Parsons	Answers yes.
163	Chair Welsh	Asks if private or county surveyors do the greatest share of surveying in the state.
168	Parsons	Answers private surveyors.
171	Rep. Merkley	Asks for clarification on the point in which the witness monuments are addressed in HB 2866 or the ñ1 amendment.
179	Parson	Points out that witness monuments are addressed on page 3, lines 4 and 5 of HB 2866. Notes that it is a very small but significant change in the wording.
195	Crites	Explains the difference between exterior and interior monuments.

252	Rep. Merkley	Asks if lots are often sold before construction is complete.
256	Crites	Answers yes.
260	Rep. Merkley	Asks if that creates the possibility of a lot being sold with an encroachment, rather than dealing with it up front.
262	Crites	Answers that the surveyors work with the developer.
265	Rep. Merkley	Clarifies that it is not upon surveying those lots that one would determine whether or not there is an encroachment. Notes that if the surveyors delay surveying the lot, it may be sold without discovering encroachments until later.
268	Crites	States that boundary issues need to be settled long before the monument is driven into the ground.
285	Rep. Gianella	Asks about the delay on outer boundaries.
289	Crites	Clarifies the process of boundary setting.
304	Rep. Devlin	Asks if the developer of the subdivision could convey a lot on the subdivision without a legal description. Asks if the legal description would determine where the monuments are being set.
310	Crites	Explains simultaneous conveyance.
319	Rep. Devlin	Asks for further clarification on conveyance.
326	Crites	Clarifies conveyance regulations.
333	Rep. Morgan	Asks if all of the internal and external monuments would be set in place on the ground when the final plate is filed.
341	Crites	Explains post monumentation.
357	Rep. Morgan	Asks what the guarantee would be for the buyer that all of the issues in the survey had been settled and the purchase were free and clear.
367	Crites	Answers that once the plate is recorded, the purchase is operating under the assumption that the issues have been resolved. Provides an example.
403	Rep. Morgan	Asks if surveyors get on the ground and mark the monuments with stakes.

406	Crites	Responds yes.
426	Kafoury	Points out that the issue is the professional land surveyor should have the call on making interior monumentations permanent. States that drafting media is the next issue to address.
TAPE 129, B		
011	Crites	Discusses long term storage requirements. Notes that the only media that satisfies long-term storage requirements is microfilm.
026	Kafoury	Points out the media provision in the ñ1 amendments, page 1, starting on line 21.
038	Parsons	Discusses problems for licensed surveyors resulting from the absence of set standards among all the counties.
055	Chair Welsh	Notes that he has letters of opposition from county surveyors.
062	Parson	Discusses the 45-day rule: The time the first monument is set in ground to the time the survey plat is submitted to county must not exceed 45 days. Explains that PLSO would like to see the rule changed to 180 days.
085	Kafoury	Comments that the decision to extend a deadline to 180 days should be at the discretion of the licensed surveyor.
090	Parson	Discusses the process that counties go through to review plats. Explains that county surveyors are responsible for reviewing plats under ORS 209. States that counties inappropriately review plat components by reviewing the process a surveyor has used to arrive at boundary definitions. Reports that inappropriate reviews being conducted by counties are creating backlogs and causing unnecessary delays. Believes that practice issues should be addressed by the Oregon State Board of Examiners for Engineering and Land Surveyors (OSBEELS).
101	Crites	Concurs and comments that the main issue is "subjectivity." Asks that decisions regarding professional practice be handled by the board.
120	Kafoury	Reiterates that county surveyors should only be dealing with provisions in ORS 209 as the guideline for reviewing plats. Maintains that the counties should keep their subjective viewpoints out of the review process.
145	Rep. Merkley	Asks if the PLSO membership voted to support HB 2866 and the ñ1 amendments.
147	Parsons	Responds affirmatively.

151	Kafoury	Discusses the large volume of electronic mail that has transpired among PLSO chapters in the last year regarding HB 2866.
156	Rep. Merkley	Comments that he has letters stating that the majority of the PLSO membership does not support HB 2866 or the ñ1 amendments.
159	Crites	Describes the structure of the PLSO "government." States that each of nine chapters has two votes. Reports that the majority of chapters support HB 2866 as amended.
163	Rep. Gianella	Asks for examples of county surveyors using subjective judgements when reviewing plats and other ways in which counties are acting inappropriately.
167	Parsons	Provides his personal experience of submitting a survey that contained the legal description of the property. Explains that the county surveyor demanded he remove the legal description, which subsequently delayed the process an additional 30 days.
181	Rep. Gianella	Asks if the example provided is part of the county's job description.
183	Parsons	Responds that the example was not in the purview of the reviewer. Believes the county was out of line.
189	Rep. Gianella	Asks if the delay cost Parsons money.
192	Parsons	Responds that making the changes and waiting for second reviews cost him many hours.
196	Rep. Morgan	Asks for the guarantee that final monuments must be placed in the ground.
201	Crites	Responds that this provision is state law with a specified time up to, but not more than, two years.
209	Rep. Morgan	Asks if the timeframe is tied to the completion of construction.
210	Crites	Responds negatively and states it is tied to the recordation of the plat.
212	Parsons	Discusses the deposit made by the developer at the time that the request is made for the post monumentation plat.
220	Crites	Concurs and adds testimony regarding the bond paid by the developer.
229	Kafoury	Submits letters from Douglas and Wallowa Counties in support of HB 2866 as

		amended (EXHIBIT H).
236	Rep. Taylor	Asks for confirmation that HB 2866 as amended will make the process of resolving boundary disputes easier.
239	Crites	Responds that issues of boundary dispute should be resolved before the platting process occurs.
250	Rep. Taylor	Asks why the bill has been brought forward.
251	Crites	Asserts that HB 2866 and the ñ1 amendments seek to place the role of the professional in the hands of the person doing the survey work.
253	Rep. Taylor	Asks if the role of the professional is currently in the hands of the county.
254	Crites	Responds that the professional land surveyor does the work and then must subject his work to the scrutiny of the county.
261	Rep. Taylor	States that she is not convinced that the bill is necessary. Wants evidence that the bill is good for Oregonians.
276	Crites	Responds that the bill is good for Oregon. Explains the intent of PLSO to create a forum for professional dialogue before the plat is submitted for review.
298	Rep. Taylor	Comments that the bill does not intend to take away authority from the counties. States that it intends to extend the timeline.
302	Crites	Concurs.
303	Kafoury	Comments that the bill will make the process run more smoothly and efficiently. Explains that it provides the on site professional who is doing the work with the authority to make decisions, instead of being "second guessed" by surveyors at the county level.
308	Rep. Taylor	States that she is not convinced that counties are second guessing licensed surveyors.
311	Crites	Provides his personal experience of submitting a plat to Clackamas County on behalf of the City of Wilsonville. States that revisions requested by the county were subjective, inconsistent, and in direct contradiction with each other. Reports that the review process took 6 months to establish 13 monuments.
396	Rep. Taylor	Asks if this problem is universal or unique to Clackamas County.

398	Crites	Responds that the problem is not unique to Clackamas County.
420	Kafoury	States that this problem is not overly universal, but it appears consistently throughout the state.
TAPE 130, A		
004	Charles Pearson	Clackamas County Surveyor, submits and presents written testimony in opposition to HB 2866 and the ñ1 amendments (EXHIBIT I). Responds to testimony provided by proponents. Speaks to accusations that a plat took six months to process. Discusses multiple reasons that reviews take time or become delayed. Maintains that his office has no current backlog for reviewing plats.
017	Pearson	Explains that witness monuments are currently allowed. Discusses problems with setting witness monuments. States that his office has never denied anyone the ability to set a witness monument when a witness monument was called for. Discusses problems with "interior monuments."
051	Pearson	Explains that lots are selling more frequently to individuals than to groups. Discusses delayed monuments.
077	Pearson	<p>Does not support new legislation regulating "drafting media." Believes that current systems are working well. Discusses two issues that he has the most concern with:</p> <ul style="list-style-type: none"> • The 45-day filing deadline - - describes how he handles this provision when he is involved with private practice. Opposes allowing the surveyor full discretion to extend the process for 180 days. • Limiting county surveyors to ORS 209.250 when conducting reviews - - states that county surveyors look at whether a plat was drafted properly. Believes this provision is not in the public interest. <p>Relates that he is a member of OSBEELS and shares his opinion that the board is not in the business of conflict resolution.</p>
142	Chair Welsh	Asks who catches the mistakes of the county.
145	Pearson	Responds that he has ten licensed land surveyors in his office and they all bounce work off of each other.
156	Pearson	Indicates that the counties have tried to discuss issues of contention with licensed surveyors, and it has not resulted in much resolution.
161	Pearson	Responds to testimony that majority of PLSO chapters support HB 2866 by explaining that one chapter of 16 members has two votes, and one chapter of 226 members has two votes. Maintains that the majority of PLSO members do not support the bill. Refers to EXHIBIT I, page 3, and discusses majority of percentages of PLSO membership voting in opposition to provisions of HB 2866

		as amended.
188	Chair Welsh	Comments that issues must be addressed by the parties before further action will be taken by the committee. Gives proponents and opponents two weeks to find consensus.
225	Chair Welsh	Closes the work session on HB 2866 and opens a work session on HJM 6.
		NOTE: Committee staff submits additional letters in opposition to HB 2866 (EXHIBIT J).
<u>HJM 6 WORK SESSION</u>		
235	Rep. Kruse	Summarizes the bill and explains that there is an organized effort to list the Canadian lynx as an endangered species in 15 western states. Maintains that there are no lynx populations living in Oregon. Explains that having Oregon listed as a protected state for lynx will put restrictions on the state that are unnecessary.
262	Rod Harder	Executive Director, Oregon Sportsmen's Defense Fund, submits letters of support for HJM 6 (EXHIBIT K) and provides the committee with background of the movement to list the lynx as endangered. Relates his personal and professional experience with the wildlife in Oregon and maintains that no evidence exists proving that populations of lynx reside in the state. Provides the committee with additional testimony from professionals who dismiss claims that Canadian lynx are residing in Oregon.
315	Harder	Discusses studies that are trying to show lynx residing in Oregon. Believes that these are highly questionable. Relates that areas affected by listing include: <ul style="list-style-type: none"> • Agricultural communities. • Logging industries. • Recreational areas involving hiking, skiing, camping.
357	Joe Rohleder	Assistant Director, Oregon Department of Fish and Wildlife (ODFW), submits and presents written testimony in support of HJM 6 (EXHIBIT L).
381	Rep. Taylor	Comments that during hearings on HB 2875, the cougar bill, testimony indicated that cougars are very elusive and good at hiding. Asks if the same might be true of Canadian lynx.
382	Harder	Responds negatively.
392	Rep. Taylor	Asks if there is evidence that lynx have been seen at all.
397	Harder	Responds that most of the sightings of lynx have been of transient populations. Explains that some wild cats that pose similar characteristics are products of

		inbreeding.
409	Rep. Devlin	Asks for an explanation of the Section 4(d) rule.
412	Rohleder	Explains that once the lynx is listed, under Section 4, subsection (d), of the Endangered Species Act (ESA), Oregon could apply for an exemption. States that this is a very complicated and lengthy process.
440	Rep. Kruse	Concurs and reports that the process of applying for a 4(d) exemption requires intensive research and proof from the state that an exemption is necessary. Maintains that the process is costly and lengthy.
TAPE 131, A		
005	Rep. Merkley	Asks if opposition exists to HJM 6.
007	Harder	Responds that he guesses that the same groups who opposed the "cougar bill" are opposed to HJM 6.
010	Rep. Merkley	Asks if any testimony in opposition has been submitted to the committee.
012	Chair Welsh	Comments that he has received no statements of opposition.
022	Rep. KRUSE:	MOTION: Moves HJM 6 be sent to the floor with a BE ADOPTED recommendation.
024	Rep. Devlin	Comments that he was concerned about the content of HJM 6. Explains that he conducted his own research and discovered the same facts that have been provided to the committee from Harder and Rohleder. Declares his support for the bill.
029	Rep. Merkley	States his support of the bill. Voices concern that HJM 6 provides a political voice to an issue that requires a reasoned, biological study.
036	Rep. Kruse	Responds that HJM 6 is a response to a political move by the federal government.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Kafoury

046	Chair Welsh	<p>The motion CARRIES.</p> <p>REP. KRUSE will lead discussion on the floor.</p>
048	Chair Welsh	Closes the work session on HJM 6.
059	Chair Welsh	Opens a work session on HB 3541.
<u>HB 3541 WORK SESSION</u>		
		NOTE: Committee staff submits to committee members information packet regarding the Kyoto Treaty (EXHIBIT N).
067	Chair Welsh	Summarizes the bill and explains that the United States President has signed onto the Kyoto Treaty, but the United States Senate has not ratified it. Discusses importance of states giving notice to the federal government that the issue of mandating further compliance with emission standards is not being taken lightly. Maintains that Oregon has been very proactive in its adjustment to emission standards. Explains that environmental standards should be adjusted regionally. Emphasizes that Oregon does not need the federal government mandating standards. Introduces the ñ1 amendments dated 4/23/99 (EXHIBIT M).
109	Chair Welsh	Continues summarizing the bill.
122	Michael Grainey	<p>Assistant Director, Office of Energy, discusses the ñ1 amendments. Explains that the amendments clarify two things:</p> <ul style="list-style-type: none"> • Clarify CO2 standards in the bill. • Clarify other actions that state agencies take to comply with standards that are not based on the Kyoto protocol; i.e., energy efficiency standards, air quality standards. <p>Discusses past mandates imposed on the Office of Energy. States support for HB 3541 as amended with the ñ1 amendments.</p>
171	Ann Hanus	Department of Forestry, notes that the department's concern of HB 3541 regarded the impact of the bill on the forest resource trust which is used to provide loans for under-productive forest lands. Explains that the ñ1 amendments take care of these concerns.
179	Rep. Taylor	Refers to HB 3541, page 1, lines 15 and 16, and comments that this is good language for letting states "off the hook." Asks if the bill is necessary.
187	Chair Welsh	Responds that the President may understand the big picture, but Congress may not. Maintains that HB 3541 sends a direct message to Congress from Oregon.

193	Rep. Kruse	Refers to HB 3541, page 1, lines 15 and 16 and comments that developing countries are being asked to do very little in respect to meeting standards.
205	Rep. Taylor	Asks for clarification of "greenhouse gasses."
206	Grainey	Responds that the most common greenhouse gasses are carbon dioxide (CO2) and methane.
209	Rep. Taylor	Asks if HB 3541 as amended would preclude state agencies from establishing rules that standardize requirements of release of carbon dioxide into the atmosphere, as proposed in the Kyoto Treaty.
214	Chair Welsh	Responds affirmatively and reaffirms that HB 3541 only relates to the Kyoto Treaty which has not been ratified by Congress.
224	Grainey	Reports that he has had discussions with the Department of Environmental Quality (DEQ) and notes its support of HB 3541 as amended.
233	Greg Green	Administrator, Air Quality Division, DEQ, testifies in support of HB 3541 and the ñ1 amendments.
249	Chris Hagerbaumer	Air and Transportation Program Director, Oregon Environmental Council, submits and presents written testimony in opposition to HB 3541(EXHIBIT O). States that she is also representing the Renewable Northwest Project and the National Environment Trust. Refers to EXHIBIT O and discusses concerns and misleading views of HB 3541.
300	Rep. Kruse	MOTION: Moves to ADOPT HB 3541-1 amendments dated 4/23/99.
		VOTE: 6-2 AYE: 6 - Atkinson, Devlin, Gianella, Kruse, Morgan, Welsh NAY: 2 - Kafoury, Taylor EXCUSED: 1 - Merkley
314	Chair Welsh	The motion CARRIES.
316	Rep. Kruse	MOTION: Moves HB 3541 to the floor with a DO PASS AS AMENDED recommendation.
320	Rep. Kruse	Comments that scientific evidence exists proving that elements other than

		humans are responsible for global warming.
333	Rep. Merkley	States his opposition and explains that it is easier for groups to blame others for the problems of global warming and environmental tragedies. Comments that he does not want to participate in this dialogue.
358	Chair Welsh	Comments that states have the right to implement standards without federal mandates. Maintains that Oregon leads the nation with high standards and environmentally friendly laws.
		VOTE: 5-4 AYE: 5 - Atkinson, Gianella, Kruse, Morgan, Welsh NAY: 4 - Devlin, Kafoury, Merkley, Taylor
378	Chair Welsh	The motion CARRIES. REP. WELSH will lead discussion on the floor.
382	Rep. Kafoury	Serves notice of possible minority report.
385	Rep. Devlin	Joins Rep. Kafoury in serving notice.
393	Chair Welsh	Closes the work session on HB 3541 and opens a work session on HB 2173.
<u>HB 2173 WORK SESSION</u>		
423	Sean Miller	Oregon Rental Housing Association (ORHA), introduces the 2 amendments dated 4/26/99 (EXHIBIT P). States that the 2 amendments are consensus language resulting from talks with the Oregon Health Department (OHD). Explains that the amendments allow property owners to do self clean-up on decontaminated property, as long as OHD has determined that the property is salvageable. Discusses process of property decontamination and clean-up. Discusses costs of property clean-up and the ways that HB 2173 provide potential savings to property owners who conduct their own clean-up.
485	Miller	Refers to HB 2173-2 amendments, page 2, line 6, and explains that although civil penalties are important, current penalties are too high and should be lowered to \$2,000. Explains that the \$2,500 figure in the amendments does not correctly reflect the \$2,000 agreed upon figure. Reports that this provision is supported by OHD.
TAPE 130, B		

036	Ronald Hall	Environmental Services Manger, OHD, testifies that HB 2173 is a response to the influx of methamphetamine labs going into production in Oregon. Discusses the process for evaluating contaminated property and involvement of property owners in clean-up procedures.
056	Chair Welsh	Concurs that there is agreement on the \$2,000 penalty and states that the committee will conceptually amend the ñ2 amendments to reflect this agreement.
069	Rep. Morgan	MOTION: Moves to AMEND HB 2173-2 on page 2, in line 6, delete "\$2,500" and insert "\$2,000".
		VOTE: 7-0 EXCUSED: 2 - Devlin, Kruse
072	Chair Welsh	Hearing no objection, declares the motion CARRIED .
073	Rep. Morgan	MOTION: Moves to ADOPT HB 2173-2 amendments dated 4/26/99 as conceptually amended.
		VOTE: 7-0 EXCUSED: 2 - Devlin, Kruse
077	Chair Welsh	Hearing no objection, declares the motion CARRIED .
078	Rep. Morgan	MOTION: Moves HB 2173 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Devlin, Kruse
094	Chair Welsh	The motion CARRIES. REP. GIANELLA will lead discussion on the floor.
096	Chair Welsh	Closes the work session on HB 2173 and opens a work session on HB 2932.
<u>HB 2932 WORK SESSION</u>		

098	Kristina McNitt	Committee Administrator, summarizes the bill and provides background of previous work session.
116	Rep. Kafoury	MOTION: Moves HB 2932 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Devlin, Kruse
125	Chair Welsh	The motion CARRIES. REP. PROZANSKI will lead discussion on the floor.
127	Chair Welsh	Closes the work session on HB 2932 and opens a work session on HB 2817.
<u>HB 2817 WORK SESSION</u>		
135	Chair Welsh	Comments that the committee has previously heard HB 2817.
139	McNitt	Points out the ñ1 amendments dated 3/23/99 (EXHIBIT Q). Explains reimbursement costs for tank removal as noted in the ñ1 amendments.
157	Chair Welsh	Reads letter form DEQ responding to questions asked during the 4/14/99 hearing on HB 2817 (EXHIBIT R).
177	Rep. Kafoury	Suggests that HB 2817 be referred to the Committee on Revenue without recommendation.
181	Chair Welsh	Concurs. Asks Rep. Kafoury if she believes that the ñ1 amendments should not be adopted into the bill.
189	Rep. Kafoury	Responds affirmatively.
190		Discussion with committee administrator concludes that the ñ1 amendments be adopted.
206	Rep. Gianella	MOTION: Moves to ADOPT HB 2817-1 amendments dated 3/23/99.

		VOTE: 7-0 EXCUSED: Devlin, Kruse
210	Chair Welsh	Hearing no objection, declares the motion CARRIED .
215	Rep. Merkley	Comments that a 14-year carry forward is an unusually long time for a tax credit. Notes that product consumers have historically been the ones to pay for fuel transportation and clean-up. States that HB 2817 is asking the general public to pay for costs.
234	Chair Welsh	Discusses the situation of abandoned oil tanks.
280	Rep. Morgan	Supports the notion that the committee refer the bill to Revenue without recommendation.
282	Chair Welsh	Reiterates Rep. Kafouryís suggestion to refer HB 2817 to Revenue without recommendation as to passage.
		MOTION: Moves HB 2817 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED as amended to the Committee on Revenue by prior reference.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Devlin
290	Chair Welsh	The motion CARRIES .
296	Chair Welsh	Closes the work session on HB 2817 and opens a work session on HB 2801.
<u>HB 2801 WORK SESSION</u>		
309	Rep. Atkinson	Summarizes the bill.
		Staff submits the ñ2 amendments dated 4/26/99 (EXHIBIT S).
303	Justin Burns	Cunningham Sheep Company, testifies in support of HB 2801. Discusses meetings with law enforcement personnel to work out the criminal trespass penalty issues. Explains that the ñ2 amendments remove the criminal component

		to trespassing and make it a violation with a fine. Refers to the ñ2 amendments, page 1, Section 3, and discusses provisions of unlawful posting. States that the rest of the ñ2 amendments clean-up references in trespassing statute.
359	Rep. Atkinson	Comments that the intent of the bill is to add another "means" to posting, similar to Montana law. Maintains that the bill makes posting optional and not mandatory.
371	Rep. Taylor	Appreciates the intent to clarify property boundaries. Expresses concern that painting on rocks and trees will "ugly-up" Oregon. Asks for confirmation that the process will not be a blight on the scenery.
385	Rep. Atkinson	Shares Rep. Taylor's concerns. Responds that marking property with rocks intends to keep boundaries in line with the natural environment. Does not believe that there will be ugly markers all over the state.
405	Rep. Taylor	Asks about HB 2801-2, page 1, Section 3(C)(b).
415	Rep. Atkinson	Reminds the committee that this section keeps someone with a favorite fishing hole from marking it as private property.
426	Rep. Merkley	Refers to the example of a fence separating two properties. Asks how to tell which property a marker belongs to if the top of the fence is marked. Comments that perhaps this situation leads to simultaneous marking of both properties.
444	Burns	Responds that persons crossing property lines will know which property the marker is for. States that someone who is totally lost would not be able to tell. Reminds the committee that the property owners must report a violation in order for enforcement to occur.
478	Rep. Merkley	Comments that he finds it amusing that a person marking his or her property and the adjacent property simultaneously could be in violation of Section 3(C)(b).
TAPE 131, B		
022	Rep. Atkinson	States that this situation was discussed and does not change the intent of HB 2817 as amended with the ñ2 amendments.
025	Burns	Comments that the markers referred to by Rep. Merkley are mentioned in HB 2801, Section 1.
035	Chair Welsh	Asks why a trespassing offense was changed from a criminal offense to a Class C misdemeanor.
037	Burns	Responds that discussions with the Marion County District Attorney (DA)

		brought forward information on requirements for proving conscious intent to trespass by individuals. States that the DA would not take the time to prosecute trespassers without substantial evidence provided by property owners that trespassers knowingly intended to trespass. Maintains that enforcement is much easier to handle based on a violation with a fee.
048	Chair Welsh	Asks if private property owners will have a problem with this.
051	Burns	Responds negatively. Explains that this bill is better for property owners.
066	Lindsey Ball	Captain of Fish and Wildlife Division, Oregon State Police, testifies in regard to the ñ2 amendments. Provides the committee with 1997 trespassing statistics. Validates Rep. Atkinsonís attempt to set up a voluntary compliance system so that word of trespassing problems can reach the public and reduce trespassing incidents. Expresses concern that the ñ2 amendments decriminalize second-degree trespass. Explains problems that arise from decriminalization of trespassing law. Explains how racketeering statute is affected by HB 2801 and the ñ2 amendments.
115	Rep. Atkinson	States that Captain Ball was brought into the process from the beginning. Asks Ball to describe the solution drafted to deal with racketeering concerns.
119	Captain Ball	Responds that he has not been involved in HB 2801 from the beginning.
121	Rep. Atkinson	Asks for the date of the first meeting Captain Ball attended to resolve concerns.
123	Captain Ball	Responds that the first time he became involved in the bill was when the last hearing on the bill occurred.
125	Rep. Atkinson	Asks Captain Ball to explain his involvement in finding solutions to concerns.
128	Captain Ball	Responds that there is no easy fix for provisions in the ñ2 amendments. Sates that effects of the amendments will ripple out to many aspects of law.
130	Rep. Atkinson	Asks Captain Ball if he understands that the intent of the bill is to create another means of posting.
131	Captain Ball	Responds affirmatively.
133	Rep. Atkinson	Asks Captain Ball to describe another means of posting.
134	Captain Ball	Responds that he has wrestled with this problem for a number of years and does not have an easy solution.

139	Rep. Atkinson	Comments that he will be frustrated if HB 2801 gets derailed based on "inability to prosecute." States that the majority of trespassers that he has been made aware of do not get prosecuted. The intent of the bill is to stop trespassers from removing signs, vandalizing signs, and lying about having seen a sign by providing another way to post.
154	Captain Ball	Responds that he has shared similar frustration. States that he does not have a good solution for stopping trespassing.
163	Rep. Atkinson	States that HB 2801 as amended with the ñ2 amendments is the solution. Explains that provisions in the bill create alternative ways of posting "private property."
180	Captain Ball	Comments that decriminalizing trespass violations affects other statutes. Explains that it takes authority away from enforcement and restricts the latitude of prosecutors.
188	Chair Welsh	Suggest that HB 2801 should be sent to the Judiciary Committee. States his support of the bill and promises to follow-up with Rep. Mannix or Rep. Shetterly.
199	Captain Ball	Discusses statute in the wildlife code regarding hunting on enclosed land that is adjacent to other properties. Explains that this statute does not require proof of intent. States that if a hunter crosses a boundary, he or she is accountable. Suggests that this statute be looked at as an example.
222	Rep. Gianella	Supports referring the bill to Judiciary.
224	Rep. Atkinson	Responds that he would be more comfortable if the bill went to the House Floor and then to the Senate Judiciary Committee. Believes that the bill has spent too much time on the House side.
231	Chair Welsh	Indicates that he is not willing to send the bill to the floor at this time. Explains that it will surely die there. Believes that a few components must be cleared up for it to have a chance of surviving a floor vote.
237	Rep. Kruse	Concurs with Chair Welsh. Explains that the Judiciary Committee is on a longer timeframe than the Committee on Water and Environment. States that this could be a benefit to the bill.
253	Captain Ball	Explains that he does not want to be viewed as an obstacle to the process. Points out that he only wants what is best for property owners and the state. Stresses his desire to continue working with proponents to create a good bill. States that a bill creating a voluntary compliance system would create greater efficiency for his office. Maintains that he would prefer to do the work of fish and wildlife and not the work of responding to trespass complaints.
273	Rep. Merkley	Comments that because people do not know what a six-inch orange marker

		represents, maybe only properties with this kind of marker should have the misdemeanor violation instead of the criminal violation.
286	Captain Ball	Concurs. Explains that this was what he was looking to create earlier.
293	Chair Welsh	Comments that further discussions are warranted. Believes that the committee is on the right track. Would like to see the bill be placed on Friday's agenda.
314	Chair Welsh	Closes the work session on HB 2801 and opens a work session on HB 2637.
<u>HB 2637 WORK SESSION</u>		
348	Rep. Leslie Lewis	House District 29, testifies in support of HB 2637. Discusses DEQ vehicle emission testing that was brought to her district for the purpose of assisting the City of Portland with meeting their ozone maintenance plan. Explains that Portland receives additional emission reduction credits for including vehicles in the Scappoose area and portions of Yamhill County. Explains that HB 2637 excludes individuals who do not commute to Portland for work from needing to comply with DEQ vehicle testing.
395	Rep. Taylor	<p>Submits information regarding populations, work locations, and emission credits for various cities in Washington, Clackamas, Multnomah, Yamhill, and Columbia Counties (EXHIBIT T). Concurs with Rep. Lewis and testifies in support of the bill. States that she is concerned for two populations:</p> <ul style="list-style-type: none"> • The elderly population that owns older cars and does not regularly commute into the Portland metropolitan area. • The population that works locally in small communities and will spend more money bringing their cars into compliance with emission standards than their cars are worth. <p>Discusses history of this legislation: it passed both houses and was vetoed by the Governor with instructions that DEQ implement provisions to exempt non-commuters through rule. States that this has not taken place. Discusses DEQ's offer of a portable testing unit and problems with this unit.</p>
TAPE 132, A		
027	Rep. Kruse	Refers to EXHIBIT T, pages 3 and 4, and asks if the 1997 conceptual amendments proposed by Greg Green from DEQ are still being considered.
030	Rep. Taylor	Responds that pages 3 and 4 were inserted to show that collaboration has occurred with DEQ in the past.
031	Rep. Lewis	Explains that the amendments from April 1997 were incorporated into the bill last session. States that the sunset date is the only provision that has been changed in the current bill. Discusses concerns for the elderly population in Yamhill County. Explains that DEQ would not implement these provisions by rule because statute does not allow a car to be exempt because of "who drives it."

		States that this statute must be changed.
057	Langdon Marsh	Director, DEQ, testifies that the testimony of Rep. Lewis and Rep. Taylor is accurate. Concurs that there are populations that do not have much effect on emission levels for the City of Portland. Explains that there are populations that do effect emissions in the Portland area. Testifies in opposition to HB 2637 and discusses the Clean Air Act of Oregon.
095	Greg Green	Administrator, Air Quality Division, submits written testimony in opposition to HB 2637 (EXHIBIT U) and discusses DEQ's state program for meeting federal clean air standards.
127	Rep. Kruse	Comments that the present bill addresses every amendment proposed by DEQ in 1997, and yet DEQ is still opposed to the bill.
130	Green	Responds that the 1997 plan included a 1,000 ton growth allowance as added "assurance" that the program could absorb an additional amount of pollution. Explains that this growth allowance no longer exists.
140	Rep. Kruse	Comments that he hears DEQ saying that, because they need a certain amount of numbers, they will include a population of people in their program that should not even be included and "too bad on them."
145	Green	Responds that this is not the intention of DEQ. Explains that this population is being included because they commute into the "air shed." Reports that areas showing the highest rate of commuters were chosen for expansion.
154	Rep. Kruse	Submits that there are more people in Salem who spend time in Portland than do people of Scappoose.
157	Marsh	Concurs that Rep. Kruse has made a good point. Explains that significant percentages of populations commuting into the Portland air shed on a regular basis were investigated by DEQ. States that every time a line is drawn, anomalies will exist. Maintains that the bill falls short of some very important provisions that would allow DEQ to track vehicles and make up for lost credits.
185	Rep. Kruse	Asks where the "human factor" exists in DEQ policy.
199	Green	Explains that the Clean Air Act requires a mechanism in place that allows DEQ to track violators and take action. Discusses possible ways that this could be handled. Reports that mechanisms discussed are too time consuming, costly, and resource intensive.
217	Rep. Kruse	Comments that the cost to the population that is being unduly regulated is not being considered.
220	Rep. Lewis	Overviews the history of legislation regarding Oregon's clean air standards and

		ozone depletion starting in 1993. Explains how DEQ used their rule making policies to expand into counties outside the Portland metropolitan areas. Expresses great frustration that her district is unfairly counted in DEQ testing.
275	Rep. Lewis	Continues discussing the history of this legislation. Maintains that legislators worked closely with DEQ in the 1997 Session to pass a bill that all parties could live with and it infuriates her that they are continuing to oppose this legislation. Responds to previous comments regarding "enforcement mechanisms."
320	Rep. Devlin	Asks DEQ how many vehicles from the areas discussed by Rep. Lewis are tested each year.
327	Green	Responds that there are approximately 1,200 vehicles per year.
330	Rep. Devlin	Asks if there is a problem with evasion from this area.
337	Green	Does not believe so.
340	Rep. Devlin	Asks if federal requirements can be met with standard tests as opposed to enhanced tests in these areas.
344	Green	Responds that if DEQ went to solely using a standard test it would lose approximately 6 tons of emission reduction per year.
354	Rep. Devlin	Asks if the equipment for the standard test is easily produced and distributed.
358	Green	Responds affirmatively.
363	Rep. Merkley	Asks about the figure "12 tons."
369	Green	Responds that 12 tons refers to amount of pollution being released into the air shed per year.
375	Rep. Merkley	Asks if DEQ would have supported this bill two years ago.
378	Green	Responds affirmatively. Explains that the lost growth allowance that had been built into the program no longer exists. States that this program had been written off by DEQ last session.
397	Rep. Merkley	Asks if "written off" means that DEQ was going to grant the exceptions.
399	Green	Clarifies that DEQ would not have taken credit for this portion of the plan.

402	Rep. Merkley	Comments that there is an issue of identifying exempt cars. Asks if there is a way for people to purchase an identifying sticker that might help offset enforcement costs.
434	Rep. Lewis	Responds that she would be willing to work with DEQ on this issue.
444	Rep. Merkley	Asks DEQ if this is a possibility worth investigating.
451	Green	Responds that this possibility will need to be sold to the federal agency. Believes that this is possible. Discusses the resources it will take to implement an exclusion program. States that it will probably cost people the same amount as the testing fee.
TAPE 133, A		
011	Rep. Merkley	Comments that people would probably be glad to pay an exclusion fee in order to avoid costly emission repairs.
013	Green	Discusses the DEQ low income program currently in place.
020	Rep. Gianella	Asks if vehicle testing in her area came about through administrative rule.
022	Rep. Lewis	Responds affirmatively.
025	Rep. Gianella	Asks how DEQ "got along" before administrative rule allowed expansion.
028	Rep. Lewis	Explains the history behind DEQ's implementation of federal clean air standards. Explains that the City of Portland was required to file a 10-year ozone maintenance plan. Discusses emission reduction strategies that the city pinpointed to meet requirements of the 10-year plan, which included expanding vehicle testing into Yamhill and Columbia Counties. Reports that 10,000 gasoline powered lawnmowers in the Portland metro area put out more emissions than do the cars from Columbia and Yamhill Counties.
057	Rep. Gianella	Asks who came up with the ten-year plan.
059	Rep. Lewis	Responds that the plan was started in 1993. Discusses the 1992 interim legislative task force that worked on finding strategies to reduce emissions. Maintains that the task force excluded Yamhill and Columbia Counties from DEQ testing, but, despite that, DEQ expanded their program into Yamhill and Columbia through legislative rule. Explains that legislation from 1995 included provisions that DEQ receive credits for "emission reduction education programs" which she wholeheartedly supported.
086	Rep. Gianella	Asks Rep. Lewis if she believes that large strip malls and one-stop-shopping

		centers are making trips into Portland almost obsolete.
091	Rep. Lewis	Responds affirmatively. States that she goes into Portland four times a year.
100	Chair Welsh	Suggests that the Salem area is a much better population for vehicle testing expansion.
101	Rep. Lewis	Discusses the 1995 study that discovered that more cars were commuting from Salem to Portland than from Yamhill to Portland. Explains that Salem was not considered because the percentage of its population that commuted was smaller than Yamhill's percentage.
108	Chair Welsh	Comments that each year new cars are manufactured to run cleaner and older cars leave the roads.
111	Rep. Lewis	Concurs. Discusses mandates by the Environmental Protection Agency (EPA) to reduce sulfur in gasoline.
125	Rep. Morgan	Asks for a description of the mechanism that targets drivers and places them in the system
131	Green	Responds that DEQ requires proof of inspection before license tags can be renewed.
135	Rep. Morgan	Asks what an individual receives to prove their car passed the test.
136	Green	Responds that car owners are given documentation that they show at the time they renew their car tags.
138	Rep. Morgan	Asks if geographic location determines whether a person must have their vehicle tested.
140	Green	Responds affirmatively.
141	Rep. Morgan	Asks if Rep. Lewis commented that there is a mechanism for excluding people in part of her district from this testing program.
143	Rep. Lewis	Responds affirmatively. Explains that on the form that comes to people living in the 97032 (Newberg) zip code there is a square that can be checked if a person lives in an area that is not part of DEQ's expansion program. Refers to EXHIBIT T, page 1, and points out that that people within the city of Newberg get a notice of testing that they must return after they have checked the correct box.
158	Rep. Morgan	Comments that Rep. Lewis's testimony shows that a bureaucratic system

		currently exists for exempting people. Expresses concern for the situation of showing fundamental unfairness to a given population. Refuses to believe that there is not an equitable way to resolve this problem.
181	Rep. Lewis	Concurs. Explains that her district is approximately one percent of Portland's emission reduction goal. Agrees that the current form should be expanded to allow people who do not commute to Portland to check a box and remain exempt from testing.
209	Chair Welsh	States that there has been adequate discussion regarding the bill and he is interested in moving it to the next level.
213	Rep. Devlin	Asks for the actual boundaries of the air shed that is different from the statutory definition.
224	Green	Responds that the air shed exists in four counties; Multnomah, Washington, Clackamas, and Clark. Explains that he would need a map to accurately describe the boundaries.
228	Rep. Kafoury	Comments that she recently retired her gas mower and purchased a push mower. Believes that this is an important strategy that the bill does not speak to.
235	Rep. Lewis	States that PGE has a buy-back program that destroys gas powered mowers and provides credits toward the purchase of an electric mower.
271	Rep. Kruse	MOTION: Moves HB 2637 to the floor with a DO PASS recommendation.
274	Rep. Merkley	Expresses concern that without strong enforcement mechanisms in the bill he cannot support it.
293	Rep. Devlin	Comments that he will provide a courtesy vote to move the bill out of committee.
		VOTE: 5-2 AYE: 5 - Atkinson, Kruse, Morgan, Taylor, Welsh NAY: 2 - Kafoury, Merkley EXCUSED: 1 - Gianella
316	Chair Welsh	The motion CARRIES. REP. TAYLOR will lead discussion on the floor.

318	Chair Welsh	Closes the work session on HB 2637 and opens a work session on HB 3054.
<u>HB 3054 WORK SESSION</u>		
330	Everett Cutter	Manager, Oregon Railroad Association, testifies in support of HB 3054. Summarizes the bill. Discusses issues and problems regarding trespassing on railroad properties. States his support for the ñ2 amendments dated 4/19/99 (EXHIBIT V).
367	Rep. Morgan	Refers to HB 3054-2 amendments, line 12, and asks how the committee is supposed to deal with the absence of a fine amount.
375	Cutter	Cannot respond to this question. States that these are not his amendments.
385	Rep. Taylor	Comments that the waterfront railroad track in Astoria is the only flat area to walk. States that this stretch of land is an "attractive nuisance." Explains that the city is hoping to have a shortline operating soon. Comments that she is concerned that warning signs may not be in multiple languages or be able to be read by children.
428	Kevin Mannix	Refers to the ñ2 amendments, line 12, and explains that fine amounts are in the process of being changed. Suggests that the maximum sum of \$1,000 would not be out of line.
TAPE 132, B		
016	Rep. Kruse	MOTION: Moves to ADOPT HB 3054-2 amendments dated 4/19/99 as conceptually amended by adding \$1,000 in the blank provided on line 12 after the dollar sign.
026	Rep. Merkley	Asks for the connection between Section 3 of the ñ2 amendments and the rest of the bill.
033	Rep. Kruse	Explains that the amendments deal with citizens posting public lands to discourage access.
056	Rep. Kafoury	Asks why the fine in HB 2801 is only \$250 and the fine in HB 3054 is \$1,000.
064	Rep. Kruse	Comments that HB 2801 is reflecting old amounts. Reminds the committee that Rep. Mannix testified that fines are currently being changed.
		VOTE: 8-0 EXCUSED: 1 - Gianella

069	Chair Welsh	Hearing no objection, declares the motion CARRIED.
068	Rep. Kruse	MOTION: Moves HB 3054 to the floor with a DO PASS AS AMENDED recommendation.
074	Rep. Kafoury	Comments she will be voting no and states that there are still too many situations that have not been addressed in the bill.
080	Rep. Devlin	States that he opposes the bill and maintains that if the bill passes he will serve notice of a minority report.
		VOTE: 3-5 AYE: 3 - Atkinson, Kruse, Morgan NAY: 5 ñ Devlin, Kafoury, Merkley, Taylor, Welsh EXCUSED: 1 - Gianella
090	Chair Welsh	The motion FAILS.
090	Chair Welsh	Serves notice of reconsideration.
093	Chair Welsh	Closes the work session on HB 3054 and adjourns the meeting at 6:00 PM.

Reviewed By, Transcribed By,

Jennifer Peck, Diane M. Lewis,

Committee Coordinator Administrative Support

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Submitted By,

Danielle Hamilton,
Administrative Support

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EXHIBIT SUMMARY

A ñ HB 2101 written testimony in support, Joe Rohleder, 1 pp.

B ñ HB 2101 letter from Committee on Stream Restoration and Species Recovery, 1 p.

C ñ HB 3205 written testimony in support, Mary Wahl, 4 pp.

D ñ HB 3455 conceptual amendment and information, Roberta LiEsperance, 2 pp.

E ñ HB 3455-1 amendments dated 4/22/99, Staff, 2 pp.

F ñ HB 3455 written testimony in opposition, Staff, 3 pp.

G ñ HB 2866-1 amendments dated 4/16/99, Staff, 6 pp.

H ñ HB 2866 written testimony in support, Stephen Kafoury, 3 pp.

I ñ HB 2866 written testimony in opposition, Charles Pearson, 3 pp.

J ñ HB 2866 written testimony in opposition, Staff, 6 pp.

K ñ HJM 6 written testimony regarding existence of lynx in Oregon, Rod Harder, 6 pp.

L ñ HJM 6 written testimony in support, Joe Rohleder, 1 p.

M ñ HB 3541-1 amendments dated 4/23/99, Staff, 1 p.

N ñ HB 3541 information regarding the Kyoto Treaty, Staff, 27 pp.

O ñ HB 3541 written information in opposition, Chris Hagerbaumer, 2 pp.

P ñ HB 2173-2 amendments dated 4/26/99, Staff, 2 pp.

Q ñ HB 2817-1 amendments dated 3/23/99, Staff, 1 p.

R ñ HB 2817 written testimony in regard to tank clean-up, Rep. Jim Welsh, 1 p.

S ñ HB 2801-2 amendments dated 4/26/99, Staff, 8 pp.

T ñ HB 2637 written information regarding emission statistics and history of DEQ program, Rep. Jackie Taylor, 8 pp.

U ñ HB 2637 written testimony in opposition, Greg Green, 4 pp.

V ñ HB 3054-2 amendments dated 4/26/99, Staff, 1p.

