

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

May 30, 1997 Hearing Room E

1:00 P.M. Tapes 108 - 110

MEMBERS PRESENT: Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

MEMBER EXCUSED: Rep. Michael Fahey

Rep. Jim Welsh

STAFF PRESENT: Judith Gruber, Policy Analyst

Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD: SB 588 Public Hearing

SB 185 Public Hearing

SB 543 Public Hearing and Work Session

HB 3640 Work Session

SB 185 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 108, A		
003	Chair Lewis	Calls the meeting to order at 1:20 p.m. and opens a public hearing on SB 588.
<u>SB 588</u> <u>PUBLIC</u> <u>HEARING</u>		
		Animal Advocate. Expresses opposition to SB 588. Describes

022	Carey Thiel	concerns related to the inclusion of greyhound raising and kenneling in the bill. Suggests that the raising of greyhounds is not a farm activity. (EXHIBIT A)
074	Rep. Lehman	Asks if any kenneling operation qualifies for farm use regardless of the breed.
076	Thiel	Indicates that they are allowed on farmland but not given tax breaks.
087	Rep. Lehman	Asks if there is a difference between raising retrievers and greyhounds if the bill is approved.
089	Thiel	There will be a difference because there will only be a farm use assessment for the purposes of raising and breeding racing greyhounds for profit.
094	Rep. Lehman	Asks if there would be a difference if the greyhounds would not be used for racing purposes.
096	Thiel	Answers affirmatively. Explains that the bill is intended for the racing industry.
107	Maryann Melvin	Representative, People for Animal Rights. Expresses opposition to the bill. Explains that passage will subsidize an industry that is cruel to animals.
150	Greg Zerzan	Representative, Oregon Greyhound Breeders Association. Asks that all members of the work group come forward for testimony. (EXHIBIT B)
165	Don Schellenberg	Representative, Oregon Farm Bureau. Explains progress of the bill.
180	Ron Eber	Representative, Department of Land Conservation and Development. Explains provisions of the bill. Indicates that land used for breeding, kenneling, and raising greyhounds would qualify for special land use assessments. (EXHIBIT C)
239	Chair Lewis	Asks if the non-residential buildings related to farm use have been added to the currently employed definition.
243	Eber	Answers affirmatively. Describes where is the bill the authorization is given. Continues to describe qualifications for farm use.
269	Chair Lewis	Asks if "smaller operation" is related to the square footage of the facility
272	Eber	Answers affirmatively.
274	Eber	Provides clarification about commercial activities in farm use zones. Describes the provisions relating to county fair grounds on farm land.
303	Chair Lewis	Asks about the fairgrounds provisions in relation to Lane and Washington Counties.
306	Eber	Indicates that there is no need for the provisions in Lane and Washington Counties.
309	Eber	Explains that parcels can't be divided. Describes more provisions related to farm use and by products.

376	Chair Lewis	Describes language included in the -A5 amendments.
382	Schellenberg	Is not familiar with -A5 amendments. Indicates that the Association of Oregon Counties did express concern about kenneling activity. Describes amendments suggested by the counties.
TAPE 109, A		
004	Rep. Luke	Suggests that the counties need to offer amendments for themselves.
007	Chair Lewis	Verifies that Art Schlack is not available.
016	Schellenberg	States that the Farm Bureau is not taking a position in favor or opposition to the bill.
022	Greg Zerzan	Explains why the greyhound amendment was added to the bill.
040	Rep. Luke	Clarifies that horse breeders that breed for racing get the same tax assessment break that the greyhound breeders would.
043	Zerzan	Answers affirmatively.
044	John McCulley	Representative, Oregon Fairs Association. Describes the provisions included in the bill that are related to fairgrounds. (EXHIBIT D)
064	Rep. Shields	Asks what has happened with exclusive farm use lands that belong to fairgrounds.
068	McCulley	Indicates that the land has been idle.
071	Rep. Shields	Verifies that the land is not being used as farmland now.
072	McCulley	Answers affirmatively.
073	Rep. Luke	Asks if fairgrounds will have to make up for back property taxes if they are allowed to expand on exclusive farm use land.
076	McCulley	Explains that county owns the land right now and taxes are not currently assessed on the property.
080	Rep. Luke	Asks if it is private property that the county has taken back.
081	McCulley	Doesn't know how the county got the property.
082	Rep. Luke	Explains that fair boards in Deschutes County.
086	McCulley	Indicates that the boards are divisions of the counties.
091	Dave Hunnicutt	Representative, Oregonians in Action. Expresses support for SB 588. Describes the need for value added processing on farmland. Explains provisions related to product processing on farm land. Expresses one concern with the bill. (EXHIBIT E)
133	Schellenberg	Understands the concerns of Mr. Hunnicutt, but suggests that most farmers buy products retail and sell them wholesale.
157	Chair Lewis	Closes the public hearing on SB 588 and opens a public hearing on SB 185. Testimony was presented to the committee. (EXHIBIT F)
<u>SB 185</u> <u>PUBLIC</u> <u>HEARING</u>		
198	Lydia Taylor	Deputy Director, Department of Environmental Quality (DEQ). Suggests that the committee hear testimony from the Department of

		Administrative Services first. (EXHIBIT G)
202	Patricia O'Sullivan	Statewide Legislative Manager, Department of Administrative Services. Explains the history of the conflict related to the Sanitarians Board. Expresses support for SB 185. States that the DEQ staff is qualified to do their jobs.
232	Rep. Luke	Asks the origin of the -1 and -2 amendments.
235	O'Sullivan	Indicates that the -2 and -3 amendments are from the Sanitarians Board.
244	Rep. Luke	Asks who brought forward the amendments.
246	O'Sullivan	Does not know.
251	Judith Gruber	Policy Analyst, States that the -2 amendments were brought forward at the request of the Sanitarians Board and the -3 amendments were introduced by the League of Oregon Cities.
264	Lydia Taylor	Explains the purpose of the bill. Agrees that registration is appropriate for some workers, but not everyone. Indicates that they tried to find a resolution to the problem. States that there is no evidence to indicate that employees are not qualified to do their jobs.
338	Rep. Luke	Asks if the bill is requesting to exempt people who are already required to be registered sanitarians.
344	Taylor	Explains that the Board's statute is broad and could include anyone who protects human life.
358	Rep. Luke	Asks how long employees have been required to be registered.
360	Taylor	Indicates that during the 1995 legislative session, the Board was required to not enforce their rule against DEQ employees.
371	Rep. Luke	Verifies that the employees would be in violation of administrative rule and not statute.
373	Taylor	Understands it to be a violation of administrative rule, but it could be a violation of statute, depending on interpretation.
410	Chuck Herrick	Chair, Sanitarian Registration Board. Describes materials in presented testimony. Describes the budget concerns from DEQ. (EXHIBIT H)
TAPE 108, B		
005	Rep. Luke	Asks that discussion focus on the bill. Wants to know history of the bill and what the "turf battle" is about.
010	Herrick	Explains that the employees of DEQ were, at one time, registered sanitarians. Describes how that has changed historically.
024	Rep. Simmons	Asks what work a sanitarian does.
026	Herrick	People in the field conduct regulatory inspections in air quality, drinking water, and waste issues. Explains who is not covered by the definition.
041	Herrick	Returns focus to the budget issue since it is of great concern.
050	Rep. Luke	Asks why certain employees need to continue to be registered sanitarians. Asks what work they are doing.

063	Herrick	Indicates that the bill is not clear since it was not brought forward by the Sanitarians Board.
065	Rep. Luke	Asks which employees will be removed that the Sanitarians Board wants to stay in.
071	Herrick	Explains which employees were covered by the Act. Employees that complete regulatory inspections.
076	Rep. Lehman	Asks how long the people have not been registered.
078	Herrick	Indicates that it has been a 15 year process.
084	Rep. Lehman	Asks if there has been a significant change in service over the past 15 years.
088	Herrick	That can't be determined.
091	Rep. Lehman	Asks if there are examples of poor service.
094	Herrick	No.
097	Herrick	Indicates that the Sanitarians Board is not planning to expand the program. Explains that the -2 amendments are a compromise.
107	Rep. Simmons	Indicates that DEQ investigates their own complaints and, therefore, the Sanitarians Board would not know of examples of poor service.
113	Herrick	Answers affirmatively.
115	Rep. Luke	Asks how many counties do not contract with DEQ to perform services.
116	Herrick	Doesn't know.
119	Rep. Luke	Asks for a guess.
121	Herrick	Doesn't know, but the counties contract with DEQ.
127	Chair Lewis	Verifies that the -2 amendments were worked on with Sen. Fisher, but DEQ wasn't involved.
129	Herrick	Indicates that DEQ has seen all of the information.
131	Rep. Luke	Asks about the similarity between the -1 and -2 amendments.
134	Herrick	Explains that there have been grammatical changes.
136	Rep. Luke	Asks if the amendments were introduced on the Senate side.
137	Herrick	No.
138	Rep. Luke	Asks what the -2 amendments do.
139	Herrick	Explains provisions of the -2 amendments.
148	Rep. Luke	Asks what happens now in regard to the amendments.
149	Herrick	Explains what employees will have to do.
155	Rep. Luke	Asks if people "grandfathered in" will be a danger to the public. Asks if new hires that will be registered sanitarians will be safer.
159	Herrick	Indicates that the bill and amendments are a compromise. Suggests that the bill is bad legislation.
171	Sen. Fisher	State Senator, District 23. Describes problems related to the

		legislation. Asks for equality between the private and public sector.
257	Rep. Luke	Expresses confusion about the bill.
266	Chair Lewis	Recesses the public hearing on SB 185 and open a public hearing on SB 543.
<u>SB 543 PUBLIC HEARING</u>		
275	Sen. Ferrioli	State Senator, District 28. Explains provisions of SB 543 and expresses support for the bill.
299	Rep. Luke	Suggests that the committee doesn't have a problem with the bill.
308	Sen. Ferrioli	Indicates that it is a good bill and will keep the market competitive.
314	Bob Danko	Representative, Department of Environmental Quality. Expresses support for the bill.
318	Chair Lewis	Indicates that Bob Danko, Mike Dewey, and Tom Gallagher are in support of the bill also.
323	Chair Lewis	Closes the public hearing on SB 543 and opens a work session on SB 543.
<u>SB 543 WORK SESSION</u>		
327	Rep. Luke	MOTION: Moves SB 543 to the floor with a DO PASS recommendation.
329	Rep. Shields	Asks for a description of the bill in 30 words or less.
333	Sen. Ferrioli	It would alleviate the requirement for small waste generators to file paperwork annually to certify that they meet Oregon's recycling requirements.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Fahey, Welsh
349	Chair Lewis	The motion CARRIES. REP. SIMMONS will lead discussion on the floor.
354	Chair Lewis	Closes the public hearing on SB 543 and opens a work session on HB 3640.
<u>HB 3640 WORK SESSION</u>		
369	Rep. Luke	Asks if the -5 amendments replace the bill.
372	Chuck Johnson	Representative, Hanford Action. Explains provisions of the amendments.

395	Rep. Shields	MOTION: Moves to ADOPT HB 3640-5 amendments dated 5/21/97. (EXHIBIT I)
397	Chair Lewis	Hearing no objections, declares the motion CARRIED.
401	Rep. Shields	MOTION: Moves HB 3640 to the floor with a DO PASS AS AMENDED recommendation.
403	Rep. Luke	Indicates that he will vote in favor of the bill, but does not agree with it entirely.
TAPE 109, B		
003	Rep. Simmons	Expresses difficulty with the bill.
005	Chair Lewis	States that the bill makes an important statement to send to the Federal Government.
015	Rep. Luke	States that he doesn't agree with the bill, nor does he disagree.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Fahey, Welsh
022	Chair Lewis	The motion CARRIES. REP. SHIELDS will lead discussion on the floor.
024	Chair Lewis	Closes the work session HB 3640 and reopens a public hearing on SB 185.
<u>SB 185</u> <u>PUBLIC</u> <u>HEARING</u>		
035	Toby Harris	Representative, Local Conference of Environmental Health Supervisors. Expresses interest in employees displaying competency in the area of environmental health. Expresses support for the -2 amendments. (EXHIBIT J)
074	Rep. Luke	Asks if Ms. Harris is a registered sanitarian
075	Harris	Answers affirmatively.
076	Rep. Luke	Asks what education she had to complete to become a registered sanitarian.
077	Harris	Indicates that in Oregon she needed a Bachelor's degree and 45 hours of science credits.
081	Rep. Luke	Asks if the registration is specialized.
089	Harris	Describes the registration process.
094	Rep. Luke	Asks if a registered sanitarian can also do a health inspection on a restaurant.
098	Harris	Nothing prohibits that from happening.
104	Dave Barrows	Representative, Chemical Waste Management. Indicates that the business community will have to pay for the implementation of the

		program.
124	Rep. Lehman	Asks if he has encountered a situation where a DEQ employee was not qualified to do the work they were doing.
129	Barrows	No. States that the inspectors know what they are doing.
134	Rep. Simmons	Asks how he would respond to comment from Sen. Fisher about inspectors being less qualified than those who work on the projects being inspected.
141	Barrows	Indicates that few employees in private industry are registered sanitarians.
150	Rep. Simmons	Suggests that people in the engineering field have more education than the registered sanitarians.
155	Barrows	Agrees.
157	Rep. Lehman	Asks how many DEQ employees would currently meet the requirements.
159	Barrows	Indicates that most would.
164	Susan Schwendiman	Resident, Linn County. Explains that she is the newest member of the Sanitarians Board. Agrees that the issue is a messy situation. Explains that she has changed her view in not supporting the board. Expresses opposition to SB 185, but supports the -2 amendments. (EXHIBIT K)
199	Rep. Lehman	Asks if she has seen a problem in DEQ of unqualified people doing services for the public.
205	Schwendiman	Suggests that there is no evidence since that evidence would be provided to them through DEQ. Agrees that the registration issue is not new.
239	Rep. Lehman	Asks what evidence shows that DEQ employees would not qualify as sanitarians if they were required to register.
244	Schwendiman	Doesn't know.
249	Rep. Lehman	Verifies that the committee is being requested to not pass a law without any proof of an existing problem.
254	Schwendiman	States that she is asking the committee to look at the facts before voting on the legislation.
263	Rep. Shields	Indicates that the committee is asking for facts but they aren't being provided. Suggests that it is odd that two state agencies spent five months working on the issue, but it can't be resolved.
278	Schwendiman	Agrees that the situation is confusing.
298	Rep. Lehman	Asks if the Governor's office has a position on the bill.
300	Chair Lewis	Indicates that provisions of the bill are anticipated in the Governor's budget.
303	Rep. Lehman	Suggest that the committee find out what the Governor wants to do.
307	Rep. Shields	Explains that the Governor's office is in favor of the bill, but oppose the -2 amendments.

322	Schwendiman	Explains that not every DEQ employee will be required to be a registered sanitarian.
340	Rep. Luke	Requests that information from the DEQ and the Sanitarians Board be provided before the next public hearing and work session.
351	Rep. Lehman	Asks for a position letter from the Governor.
390	Joni Low	Representative, League of Oregon Cities. Expresses support for SB 185. Expresses concern for the number of employees that would have to register with the Sanitarian Board. Suggest that those employees that need to be registered already are. (EXHIBIT L)
TAPE 110, A		
010	Low	Describes employees that the proposed legislation would affect. Indicates that the League of Oregon Cities supports the -3 amendments.
026	Hasina Cassim	Representative, Special Districts Association. Expresses support for the -3 amendments.
038	Rep. Lehman	Asks if members of the special districts association are covered now.
040	Low	Answers affirmatively.
041	Rep. Luke	Clarifies whether they are operating under administrative rules.
048	Low	Indicates that the administrative rules are on hold. States that the -2 amendments were not discussed with DEQ or the local governments.
053	Rep. Lehman	Asks if the same rules apply to DEQ.
055	Lydia Taylor	Deputy Director, Department of Environmental Quality. Explains that the board has current rules that apply to members of DEQ and then they have amended rules that are broader than those in place now.
061	Rep. Lehman	Asks if the current rules apply to the special districts and local governments.
063	Taylor	They will apply to anyone involved with public health and the environment.
064	Rep. Lehman	Asks if the rules are enforceable now.
065	Taylor	They are on hold during the interim.
068	Rep. Lehman	Asks if special districts and local government employees could be in violation of the rules right now.
070	Taylor	Understands that to be the case from the Attorney General.
077	Low	Expresses concern for local government employees being covered by the broad rules.
080	Rep. Lehman	Verifies that there is concern for rules that are currently in place and for proposed rules.
082	Low	Answers affirmatively.
089	Herrick	States that there are no proposed rules on hold. Indicates that he was involved with the group that wrote the rules.
102	Rep. Luke	Asks who was in the group.

104	Herrick	Indicates that there were three members of the board, but isn't sure.
106	Rep. Luke	Expresses frustration with the testimony and indicates that he has heard three different stories.
122	Chair Lewis	States that there is a great lack of communication about this issue.
125	Herrick	There were three members from the board and possibly other members.
131	Herrick	Restates that there has been no attempt to expand into other areas.
150	Kristan Mitchell	Representative, Oregon Refuse and Recycling Association. Indicates that the scope of the proposed rules is very wide.
158	Rep. Luke	Asks if there is a copy of proposed rules.
160	Mitchell	States that she has one and describes them. Indicates that her organization testified in the rule making process. Explains that the bill holds the line on status quo.
183	Rep. Luke	Verifies that Ms. Mitchell participated in the rule making process.
186	Mitchell	Answers affirmatively.
187	Rep. Luke	Asks who had the hearing.
190	Mitchell	The Sanitation Board.
198	Chair Lewis	Verifies from the audience that it was a Sanitarian Board meeting.
201	Mitchell	Expresses support for the -3 amendments.
204	Patricia O'Sullivan	Representative, Department of Administrative Services. Clarifies that the Governor supports the -3 amendments to the bill. States that the issue had paid mediation and it was not resolved.
233	Chair Lewis	Closes the public hearing on SB 185 and adjourns the meeting at 3:31 p.m. Testimony was presented to the committee. (EXHIBIT M)

Submitted By, Reviewed By,

Marjorie Taylor, Judith Gruber,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - SB 588, Written testimony, Carey Thiel, 1 p.

B - SB 588, Written testimony, Greg Zerzan, 6 pp.

C - SB 588, Written testimony, Ron Eber, 5 pp.

D - SB 588, Written testimony, John McCulley, 1 p.

E - SB 588, Written testimony, Dave Hunnicutt, 1 p.

F - SB 588, Presented testimony, Committee Staff, 1 p.

G - SB 185, Written testimony, Lydia Taylor, 8 pp.

H - SB 185, Written testimony, Chuck Herrick, 10 pp.

I - HB 3640, -5 amendments, Committee Staff, 1 p.

J - SB 185, Written testimony, Toby Harris, 2 pp.

K - SB 185, Written testimony, Susan Schwendiman, 4 pp.

L - SB 185, Written testimony, Joni Low, 2 pp.

M - SB 185, Written materials, Committee Staff, 10 pp.