

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

June 6, 1997 Hearing Room E

1:00 P.M. Tapes 115 - 116

MEMBERS PRESENT: Rep. Leslie Lewis, Chair

Rep. Frank Shields, Vice-Chair

Rep. Michael Fahey

Rep. Mike Lehman

Rep. Dennis Luke

Rep. Mark Simmons

Rep. Jim Welsh

STAFF PRESENT: Judith Gruber, Policy Analyst

Pat Zwick, Policy Analyst

Marjorie Taylor, Administrative Support

MEASURE/ISSUES HEARD: HB 3281 Work Session

HB 3724 Work Session

HB 2014 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 115, A		
003	Chair Lewis	Calls the meeting to order at 1:26 p.m. and opens a work session on HB 3281.
<u>HB 3281 WORK SESSION</u>		
		Manager, Hazardous Materials Service Program, State Fire Marshal's Office. Provides documents related to the Hazardous Substance Information System, Hazardous Substance Possession Fee Administration Program, and the Regional Hazardous Materials Response Teams. Describes how the state and

018	Bob Albers	federal Community-Right-To-Know programs work together. Indicates how hazardous material information is collected and made public, as mandated by the Community-Right-To-Know Act. States that a hazardous substance is a material that needs a material data safety sheet. (EXHIBIT A)
070	Rep. Luke	Asks if sawdust can be considered a hazardous material since there are times when it needs a data safety sheet.
072	Albers	Affirms that there are times when sawdust can be considered a hazardous material.
079	Albers	Indicates that the Fire Marshal's office routinely collects data. They also collect information when they are told to do so. Explains that their hazardous information system is a model for the rest of the country. Explains how citizens can access the information. States that the Fire Marshal's office conducts the audits, stores the information, and validates the data.
123	Rep. Luke	Asks how the program is funded.
124	Albers	Explains that it is funded with a hazardous substance possession fee.
126	Rep. Luke	Verifies that people with hazardous materials must pay the fee.
128	Albers	Answers affirmatively and describes the fee scale.
134	Rep. Luke	Asks if part of the possession fee is used toward orphan sites.
137	Albers	Describes the uses of the possession fee.
150	Chair Lewis	Asks for explanation of the three sets of amendments.
155	Jim Craven	Representative, American Electronics Association. Describes the amendments. The -2 amendments were brought forward by Rep. Welsh and establish a task force to study the Community-Right-To-Know programs. The -3 amendments remove "date certain" provisions to the program.
215	Rep. Wooten	State Representative, District 41. Appreciates the intent of the amendments, but remains upset on behalf of the City of Eugene that the legislature will not allow the city to govern themselves. Urges "no" votes for the bill.
236	Rep. Lehman	Expresses concern that the city ordinance was not well thought out, but has a problem overriding a local decision. Suggests that the enforcement be suspended for two years to analyze the program.
249	Rep. Wooten	Agrees that is an option but feels uncomfortable about suspending a locally passed initiative.
263	Rep. Luke	MOTION: Moves to ADOPT HB 3281-1 amendments dated 4/8/97.
266	Rep. Luke	Indicates that people who testified against overriding local ordinances also voted to override local ordinances during the 1993 session.
274	Rep. Welsh	Indicates that the -2 amendments need to be adopted, but they also need to be conceptually amended.
280	Chair Lewis	Hearing no objections, declares the motion CARRIED. (EXHIBIT B)
283	Rep.	Indicates that other parties need to be included in the task force. Suggests

	Welsh	that Legislative Counsel create open-ended language.
302	Rep. Welsh	MOTION: Moves to FURTHER AMEND the HB 3281-2 amendments dated 6/5/97 on page 1, line 7, by inserting "but not limited to" after "interests".
311	Chair Lewis	Indicates that the suggested language is intended to include participation from the rural fire districts.
321	Chair Lewis	States that the -2 amendments are very important, suggesting that the "Community-Right-To-Know" Act, which was enacted in 1985, needs to be reviewed.
333	Chair Lewis	Hearing no objections, declares the motion CARRIED.
337	Rep. Luke	MOTION: Moves to ADOPT HB 3281-2 amendments, dated 6/5/97 as FURTHER AMENDED. (EXHIBIT C)
340	Chair Lewis	Hearing no objections, declares the motion CARRIED.
343	Rep. Luke	MOTION: Moves to ADOPT HB 3281-3 amendments dated 6/6/97. (EXHIBIT D)
352	Chair Lewis	Hearing no objections, declares the motion CARRIED.
354	Rep. Luke	MOTION: Moves HB 3281 to the floor with a DO PASS AS AMENDED recommendation.
358	Rep. Lehman	Questions the logic of the Eugene ordinance. Suggests that they are very close to intruding into statewide commerce. Does not understand the legislature's involvement at this point, since the ordinance has not been tested. Needs to be convinced that there is a statewide compelling reason to vote for the bill.
402	Chair Lewis	Indicates that the state depends on businesses to provide jobs for it's citizens. Suggests that the local citizens in Eugene are not experts in the field and are not able to make a knowledgeable decision on the issue.
TAPE 116, A		
007	Chair Lewis	Describes situations, while on the local planning commission, when they have requested expert advice in making decisions. Urges support for the task force and suggests that the task force study some of the ideas in Eugene.
		VOTE: 4-3 AYE: 4 - Luke, Simmons, Welsh, Lewis NAY: 3 - Fahey, Lehman, Shields
028	Chair Lewis	The motion CARRIES. REP. WELSH will lead discussion on the floor.
031	Rep.	Serves notice of a possible minority report.

	Lehman	
036	Chair Lewis	Closes the work session on HB 3281 and opens a work session on HB 3724.
<u>HB 3724</u> <u>WORK</u> <u>SESSION</u>		
040	Chair Lewis	Explains the reasons for reconsideration of HB 3724.
049	Rep. Simmons	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3724.
055	Chair Lewis	Hearing no objections, declares the motion CARRIED.
056	Rep. Simmons	MOTION: Moves to RECONSIDER the vote by which HB 3724 was sent to the committee on REVENUE.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lehman, Shields
066	Chair Lewis	The motion CARRIES.
067	Rep. Simmons	MOTION: Moves HB 3724 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lehman, Shields
077	Chair Lewis	The motion CARRIES.
081	Chair Lewis	Closes the work session on HB 3724 and opens a work session on HB 2014.
<u>HB 2014</u> <u>WORK</u> <u>SESSION</u>		
088	John Hellen	Representative, Speaker Lundquist's Office. States that there is mutual agreement on the -5 amendments between the Governor's office, agencies, and the Speaker's office.
095	Rep. Simmons	Asks if the -5 amendments replace the bill.
097	Hellen	Describes provisions of the amendments.
	Robin	

118	McArthur Phillips	Representative, Governor's Office. Expresses support for the bill and the -5 amendments.
123	Ron Eber	Representative, Department of Land Conservation and Development. Indicates that the amendments preclude the creation of hospitality ranches on high value farmland. Indicates that the operations will be subject to local review.
162	Rep. Simmons	Asks what the definition of a campground is, in relation to the amendments.
165	Eber	Explains that campgrounds are allowed in farm use zones. They can be tents or RV camps, but they can't have grocery stores or other facilities.
176	Chair Lewis	Verifies the hospitality ranch would not consist of tents only.
179	Eber	Explains that the building must have a minimum of four guest rooms.
187	Rep. Fahey	Suggests that the campground idea is good since the program is on a trial basis now.
192	Eber	Indicates that there is a law in place for the use of campgrounds.
198	Chair Lewis	Asks if the Oregon Farm Bureau supports the bill.
204	Hellen	Indicates that the Farm Bureau does have concerns with use permits being removed. Understands that they are otherwise supportive.
213	Chair Lewis	Understands their concern. Asks if the Association of Oregon Counties (AOC) was involved in the discussions.
223	Hellen	Indicates that the AOC was represented early in the process.
225	Art Schlack	Land Use Specialist, Association of Oregon Counties. Does not see a problem with the bill and amendments.
230	Rep. Shields	Asks if 1000 Friends of Oregon support the amendments. (EXHIBIT E)
244	Hellen	Indicates that they were involved in the beginning.
246	Rep. Shields	Notes that he has heard that they are still not happy with the amendments.
248	Hellen	Explains that the only difference between the -4 and -5 amendments is the distance in air miles.
252	Rep. Simmons	MOTION: Moves to ADOPT HB 2014-5 amendments dated 6/5/97. (EXHIBIT F)
258	Chair Lewis	Expresses appreciation to the work group for their labor.
263	Rep. Fahey	Indicates that he was originally going to oppose the bill, but he supports it now.
270	Chair Lewis	Hearing no objections, declares the motion CARRIED.
272	Rep. Simmons	MOTION: Moves HB 2014 to the floor with a DO PASS AS AMENDED recommendation.

279	Rep. Simmons	States that the bill will provide an important opportunity for economic growth for rural residents.
293	Chair Lewis	Agrees with Rep. Simmons
		VOTE: 5-1 AYE: 5 - Fahey, Lehman, Shields, Simmons, Lewis NAY: 1 - Luke EXCUSED: 1 - Welsh
317	Chair Lewis	The motion CARRIES. REP. LUNDQUIST will lead discussion on the floor.
330	Chair Lewis	Closes the work session on HB 2014 and adjourns the meeting at 2:18 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 3281, Written materials, Bob Albers, 12 pp.

B - HB 3281, -1 amendments, Committee Staff, 2 pp.

C - HB 3281, -2 amendments, Committee Staff, 2 pp.

D - HB 3281, -3 amendments, Committee Staff, 1 p.

E - HB 2014, Written testimony, Committee Staff, 1 p.

F - HB 2014, -5 amendments, Committee Staff, 3 pp.