

HOUSE COMMITTEE ON TRANSPORTATION

June 11, 1997 Hearing Room C

8:30 A.M. Tapes 124 -125

**MEMBERS PRESENT:**

Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Steve Harper

Rep. Tim Josi

Rep. Jane Lokan

Rep. Lonnie Roberts

Rep. Larry Wells

**STAFF PRESENT:**

Keith Putman, Administrator

Annetta Mullins, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 3740 - Public Hearing and Work Session

SB 758-A - Public Hearing and Work Session

SB 1044-A - Public Hearing and Work Session

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 124, A</b>		
002	Chair Montgomery	Calls meeting to order at 8:39 a.m., reviews the agenda items and requests that Keith Putman review the provisions of HB 3740.
005	Keith Putman	Administrator, reviews provisions of HB 3740.
014	Chair Montgomery	Announces that the committee is receiving a lot of bills on diverse issues and asks that everyone let him know if the committee needs to act on a bill, and that the committee will be meeting this week and some of

		next week..
019	Chair Montgomery	Opens the public hearing on HB 3740.
<b><u>HB 3740 - PUBLIC HEARING</u></b>		
023	Rep. Bob Jenson	Testifies in support of HB 3740:
		* will leave testimony to people from Morrow County
		* presents HB 3740-1 amendments ( <b>EXHIBIT A</b> )
038		* amendment replaces mandatory language of "shall" with "may"
		* on line 16 after the period insert "When a fee is imposed under this section,"
		* on page 1, in line 29, delete "10 miles of the site" and insert "the county"
055		* introduces public officials from Morrow County
055	Tamra Mabbott	Morrow County Planning Director, testifies in support of HB 3740 ( <b>EXHIBIT B</b> ), displays maps and explains location of lands.
095	Mabbott	Continues presentation.
140	Mabbott	Continues presentation.
		Issues discussed:
168		* whether the local government has authority to assess impact under current law
182		* whether the Army will be doing things differently
184	Ray French	Morrow County Commissioner, testifies in support of HB 3740:
		* explains the legislation is needed because the Army will be constructing and operating an incinerator to destroy the war time chemicals stored at the Umatilla base
		* conventional weapons are gone
		* federal government must get rid of chemical weapons in accordance with agreements with other countries
		* estimate of workers coming into the area for construction and operation of incinerator
		* estimate of time to build the incinerator
210		* concern that people will come in then leave
226		* whether the Army provides housing
236		* definition of owner
244		* purchase of property that is contaminated
257	John Wenholz	Morrow County Commission, testifies in support of HB 3740:

		* does not believe Army will ever be able to do anything with the property; they know there is a lot of live ammunition and probably could never afford to clean it up
273	Harper	Requests clarification of the number of workers.
	Wenholz	Explains situations when temporary workers arrive in an area, and what happens when they leave.
325	Rep. Lehman	Notes that this applies to the remainder of the state and hazardous material includes many materials.
338	Ray French	Responds that small communities are not able to do anything with the infrastructure without outside help.
371	Mabbott	Submits letters from local jurisdictions ( <b>EXHIBIT C</b> ).
391	Lana Butterfield	SAFECO Insurance Companies, testifies in opposition to HB 3740 ( <b>EXHIBIT D</b> ), adds that she has spoken with Associated Oregon Industries and they are willing to offer expertise and to work with the various parties to amend the bill.
411	Greg Smith	Port of Morrow, testifies in support of HB 3740:
		* Port of Morrow applauds Morrow County in their efforts, and appreciates the efforts of Rep. Jenson and Sen. Nelson
		* is a proactive bill, is fair, and makes sense for Morrow County and the small rural communities
<b>TAPE 125, A</b>		
009	Chair Montgomery	Asks that Rep. Jenson and Ms. Butterfield return to the witness table.
012	Rep. Roberts	Asks if the concern is the impact on the infrastructure and not what the Army is doing, and if it is to get the federal government to pay their fair share of the impacts.
017	Chair Montgomery	Acknowledges affirmative nods of heads in the audience.
019	Chair Montgomery	Asks Rep. Jenson if there is a middle ground, and advises that the committee will reschedule the bill for Friday if there is agreement.
022	Rep. Jenson	Responds he will work with Lana Butterfield, the insurance industry and other interested parties to provide for the needs, and that will not represent some liability or major liability for business and other interests in Oregon.
031	Rep. Wells	Comments he does not understand the concerns of the insurance industry because he does not understand where else in the state there would ever be anything of this size.
	Butterfield	Responds their Environmental Counsel person is speaking from a national perspective, and did indicate that SAFECO could have claims that would take a year and employ 200 people.
	Chair	Announces that if the parties believe they can work out an agreement within the next 45 minutes, they can come back before the committee,

045	Montgomery	closes the public hearing on HB 3740, and opens the public hearing on SB 758-A
<b><u>SB 758 A - PUBLIC HEARING</u></b>		
053	Keith Putman	Reviews provisions of SB 758-A.
073	Rep. Roberts	Gives scenario of a women alone being pulled over after dark by an unmarked car.
078	Captain Jim Stevenson	Director, Patrol Division, Oregon State Police, responds that there was discussion to reach a common ground on the bill because the original bill was the elimination of unmarked cars. Explains that when an officer is on traffic patrol they are in uniform, and gives example when an officer may not be in uniform.
099	Rep. Roberts	Asks if the State Police supports the bill.
100	Stevenson	Responds the State Police has no problem with the bill.
103	Rep. Wells	Asks if there was discussion about night and day.
110	Stevenson	Responds it was a part of the discussion; night time is an added concern.
112	Rep. Wells	Asks how the public will know this can be an affirmative defense.
115	Stevenson	Comments there is nothing in place, and it was not discussed on the Senate side. Suggests the Department of Motor Vehicles could be directed to add the information in the driver instruction manual.
122	Rep. Harper	Asks if this is a real problem or a perception of a problem.
130	Stevenson	Responds there was a constituent concern; Oregon State Police has a policy that directs the usage of unmarked cars and is quite restrictive for traffic enforcement.
141	Chair Montgomery	Comments that some small communities may not have a policy and this will give them a policy.
145	Chair Montgomery	Closes the public hearing and opens the work session on SB 758-A.
<b><u>SB 758 A - WORK SESSION</u></b>		
147	Rep. Roberts	<b>MOTION: Moves SB 758-A to the floor with a DO PASS recommendation.</b>
154		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Josi</b>
	Chair	<b>The motion CARRIES.</b> <b>REP. ROBERTS will lead discussion on the floor.</b>

165	Chair Montgomery	Opens the public hearing on SB 1044 A.
<b><u>SB 1044 A - PUBLIC HEARING</u></b>		
166	Keith Putman	Administrator, reviews provision of SB 1044-A.
178	Mark Nelson	Glass Packaging Institute, testifies he believes they have reached a compromise on the bill. Reviews provisions of the bill:
		* bill has three major amendments to statutes
		* the first provision would say DEQ would not enforce the 35 or 50 percent recycled content if broken glass is not available
		* Oregon has one glass packaging plant which has been the leader in this country in using recycled content; they are over the 50 percent content
		* second provision states that Owens can use any secondary use of glass, which is being testing in different parts of the state against the 50 percent recycled content when that point is reached
		* third provision, and the area of disagreement, has to do with an out-of-state glass container manufacture and whether they have to meet the 35 percent recycled content; believes interstate clause says Oregon cannot require an out-of-state manufacturer to do that
221		* there is no recycle content law in Washington, and California is at 35 percent
		* amendment was an attempt to reach a compromise and would say if Owens goes out of business and the Seattle plant should take up more of the market, they would have to comply with the 35 percent recycled content -6 amendments with one change ( <b>EXHIBIT E</b> )
		* compromise this morning reflects where Oregon is in the market place, acknowledges the problem in Seattle and notes they are moving forward; compromise is the SB 1044-A6 amendments ( <b>EXHIBIT E</b> ), a rewrite of the bill
250		* reviews SB 1044-A6 amendments
267		* compromise is to amend the -A6 amendments on page 2, in line 25, delete "more than 100 tons of"
279	Chair Montgomery	Comments that the sentence does not read well.
291	Rep. Harper	Asks how Oregon can tell Washington businesses what to do.
294	Nelson	Comments that they continue to have the disagreement, but by delaying enforcement, the issue is not being dealt with, and from their point of view does not believe Oregon can tell a manufacturer what to do if it does not represent a primary interest for Oregon. Adds that their lawyers would say you cannot do it; DEQ lawyers would say they can.
305	Rep. Lehman	Comments that interstate commerce law is very complex. Gives

		example of labels indicating a five cent deposit
		Discussion continues on interstate laws.
356	Doug Myers	Oregon Association of Recyclers, comments that the SB 1044 was a compromise and the recyclers are not happy about (5) on page 2 of the bill, lines 10 through 14, but are accepting this and agree with the -A6 amendments, including cutting out of "more than 100 tons of".
361	Chris Taylor	Oregon State Public Interest Research Group (OSPIRG), comments they have been involved in this issue since 1995 with the work group consisting of the same players as today, and the haulers agreed to a delay and enforcement. Adds that concerns were confined to the one manufacturer in Washington and the burden was on them to get themselves up to speed. Acknowledges that the participants have reached a compromise and are willing to accept an additional delay in enforcement under these terms and are willing to accept the -A6 amendments and the striking of the 100 tons.
402	Bob Danko	Department of Environmental Quality (DEQ), supports amendments as discussed.
408	Chair Montgomery	Closes the public hearing and opens the work session on SB 1044-A.
<b><u>SB 1044-A- WORK SESSION</u></b>		
395	Rep. Wells	Comments that the language in the amendments needs to be corrected.
426	Chair Montgomery	Advises that the committee can conceptually amend the amendments if everyone who was in agreement is still in agreement.
431	Rep. Roberts	<b>MOTION: Moves to amend the SB 1044-A6 amendments dated 6/11/97 on page 2, line 25, by deleting "more than 100 tons of" and that the language be cleaned up.</b>
439		<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Josi</b>
	Chair Montgomery	<b>Hearing no objection, declares the motion CARRIED.</b>
441	Rep. Roberts	<b>MOTION: Moves SB 1044-A to the floor with a DO PASS AS AMENDED recommendation.</b>
449		<b>VOTE: 5-1</b> <b>AYE: 5 - Lehman, Lokan, Roberts, Wells, Montgomery</b> <b>NAY: 1 - Harper</b> <b>EXCUSED: 1 - Josi</b>
	Chair	<b>The motion CARRIES.</b>

	Montgomery	<b>REP. WELLS will lead discussion on the floor.</b>
450	Chair Montgomery	Requests that those involved in the compromise work together to develop language, and closes the work session on SB 1044-A.
466	Rep. Lehman	Introduces constituents from North Bend and Port Orford.
470	Chair Montgomery	Introduces constituents from his district.
<b>TAPE 124, B</b>		
036	Chair Montgomery	Re-opens the public hearing on HB 3740.
<b><u>HB 3740 - PUBLIC HEARING</u></b>		
039	Rep. Bob Jenson	Asks staff, Stephanie Anderson, to explain the compromise language for HB 3740.
047	Stephanie Anderson	Staff to Rep. Bob Jenson, explains the agreed-upon amendments to HB 3740:
069	Vice Chair Lehman	Asks if the amendment will limit the bill's application to Umatilla County and the depot.
	John Ledger	Associated Oregon Industries (AOI), responds they are fairly confident it is the only site the bill would apply to.
082	Anderson	Reviews the proposed amendments.
087		Witnesses and members hand-engross the bill with the proposed amendments ( <b>EXHIBIT F</b> ).
115	Keith Putman	Asks if the participants really want to use chemical agents, and questions whether the meaning is different.
	Ledger	Responds that "hazardous" and "toxic substances" have particular meanings in the statutes.
122	Rep. Lokan	Asks if this takes care of the insurance concerns.
130	Rep. Wells	Notes that the committee also has the HB 3740-1 amendments ( <b>EXHIBIT A</b> ).
137	Putman	Counsels members that they can adopt the HB 3740-1 amendments and the conceptual amendment, and that they can be combined by Legislative Counsel.
140	Lana Butterfield	SAFECO Insurance, responds she think they will be fine with this language.
145	Vice Chair Lehman	Closes the public hearing on HB 3740 and opens the work session on HB 3740.
<b><u>HB 3740 - WORK SESSION</u></b>		
		<b>MOTION: Moves to ADOPT HB 3740-1 amendments dated</b>

149	Rep. Wells	06/10/97.
150		VOTE: 4-0 EXCUSED: 3 - Rep. Josi, Roberts, Montgomery
	Vice-Chair Lehman	Hearing no objection, declares the motion CARRIED.
151	Rep. Wells	MOTION: Moves to AMEND HB 3740 with the conceptual amendments as presented by the witnesses.
		VOTE: 4-0 EXCUSED: 3 - Reps. Josi, Roberts, Montgomery
	Vice-Chair Lehman	Hearing no objection, declares the motion CARRIED.
155	Rep. Wells	MOTION: Moves HB 3740 to the floor with a DO PASS AS AMENDED recommendation.
158		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Rep. Josi, Roberts, Montgomery
	Vice-Chair Lehman	The motion CARRIES. JENSON will lead discussion on the floor.
169		MOTION: (By implied consent, without objection, the rules are suspended for the purpose of allowing Rep. Montgomery to vote on passage of HB 3740.)
		REP. MONTGOMERY votes aye.
170		VOTE: 5-0 EXCUSED: 2 - Rep. Josi, Robert
	Vice-Chair Lehman	Hearing no objection, declares the motion CARRIED.
173	Vice Chair Lehman	Adjourns meeting at 9:46 a.m.

Submitted By, Reviewed By,

Annetta Mullins, Keith Putman,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - HB 3740, HB 3740-1 amendments, Rep. Jenson**



**B - HB 3740, prepared statement, Tamra Mabbott**

**C - HB 3740, letters from local governments, Tamra Mabbott, 9 pp**

**D - HB 3740, prepared statement, Lana Butterfield, 1 p**

**E - SB 1044, SB 1044-A6 amendments, Mark Nelson, 2 pp**