

SENATE COMMITTEE ON
AGRICULTURE, NATURAL RESOURCE AND ENVIRONMENT

April 19, 1995 Hearing Room 343
3:00 P.M. Tapes 81, 82, 83 A, 84 A

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair
Sen. Brenda Brecke
Sen. Bill Dwyer
Sen. Tom Hartung
Sen. Rod Johnson, Vice-Chair
Sen. Marylin Shannon

STAFF PRESENT:

Bruce McIntosh, Committee Administrator
Catrina Victor, Committee Assistant

MEASURES HEARD: SB 843-Work Session

SB 889-Work Session
SB 949-Public Hearing
SB 951-Public Hearing
SB 1127-Work Session
SB 1128-Public Hearing

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Tape 81, A

003 CHAIR KINTIGH: Calls meeting to order at 1:08 P.M..
Opens WORK SESSION on SB 843

- 025 MOTION: SEN. DWYER MOVES TO REFER SB 843 TO THE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS.
VOTE: WITHOUT OBJECTION, CHAIR KINTIGH DECLARES THE MOTION PASSED.
- 026 CHAIR KINTIGH: Closes WORK SESSION on SB 843.
Opens WORK SESSION on SB 889
- 033 BRUCE McINTOSH, COMMITTEE ADMINISTRATOR: Reviews provisions of SB 889 1 amendment.

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1,

060 SEN. DVYER: Comments on subsection 2 and asks if it requires that people be cited on every valid complaint.

081 CHAIR KINTIGH: Reads pertinent section of the bill.

083 McINTOSH: Further explains the amendment.

- 095 MOTION: SEN. JOHNSON MOVES ADOPTION OF SB 889-1 AMENDMENTS.
VOTE: WITHOUT OBJECTION, CHAIR KINTIGH DECLARES THE AMENDMENT ADOPTED.
MOTION: SEN. JOHNSON MOVES SB 889, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.
VOTE: ON A ROLL CALL VOTE, SENATORS BRECKE, DWYER, HARTUNG, JOHNSON, AND K] ~TIGH VOTE AYE. SEN. SHANNON IS EXCUSED.

104 CHAIR KINTIGH: Declares motion passed. Senator Hamby will carry the bill.

Closes WORK SESSION on SB 889.
Opens PUBLIC HEARING on SB 949.

Witnesses:

Paul Cosgrove, Proctor & Gamble, Soap and Detergent Association
Pat McCormick, Grocery Manufacturers of America
Chris Taylor, OSPiRG
Bob Danko, DEQ
Diana Godwin, Regional Disposal Co.
Rob Guttridge, K. B. Recycling
Judy Crockett, Association of Oregon Recyclers
Debbie Gorham, Metro
Nancy Baker-Krofft

120 PAUL COSGROVE: Present to discuss amendments to SB 949-3 amendments
(EXHIBIT

B).

125 Reviews results of work done by a coalition of businesses and
associations and areas of
concern with Oregon's rigid plastic container law.
Compares amended SB 949 with SB 361 (1991 Session) from written testimony,

(EXHIBIT

A).

170 Reviews provisions of SB 949-3 amendments (EXHIBIT B) and what the
amendments do not
do.

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210 SEN. DWYER: Asks if same product can be repackaged and designated a
"test product".

212 COSGROVE: SB 949 would not allow things called "new and improved" to be
considered new. It would allow the same product if the packaging was
significantly different.

Continues his testimony.

270 Concludes his testimony.

272 PAT McCORMICK: Comments on article in 4/19/95 Oregonian.

306 COSGROVE: Comments on source reduction and corporate averaging portions
of SB 949.

Those provisions do not harm recycling programs in Oregon.

Gives section by section review of SB 949-3 amendments (EXHIBIT B).

437 ROB GUTTRIDGE: Testifies in opposition to SB 949-3 amendments.

Tape 83, A

GUTTRIDGE: Continues his testimony.

037 Asks committee to table the bill and urges the parties to work together
in the future.

039 CHRIS TAYLOR: Submits and paraphrases written testimony in opposition
to SB 949 (EXHIBIT C).

109 JUDY CROCKETT: Testifies in opposition to SB 949 and urges the
committee to table the bill.

134 SEN. JOHNSON: Asks witnesses if they think the one year grace period
allowing Oregon to be a test market for new products is a good idea.

140 COSGROVE: States confusion about the effects of that.

154 CROCKETT: Does not have objection to the grace period.

Interested in having DEQ, and would join with them, in looking at other ways of making recycling and reduction more effective in Oregon in section 8.

178 TAYLOR: Section 2 (2) (a) concerning voluntary reporting is a positive step.

187 NANCY BAKER-KROLL 1: Testifies in opposition to SB 949.

Summarizes citizen issues.

Comments on SB 949-3 amendments.

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251 DEBBIE GORHAM: Testifies in opposition to SB 949 and speaks of Metro's re-cycling

efforts.

325 BOB DANKO: Reads written testimony (EXHIBIT D) stating concerns with SB 949-3

amendment and noting fiscal impact on the department.

to see if the

DEQ accepts one year new product postponement and language that directs DEQ

with proponents

recycling system can be improved. Would like legislative direction to work

necessary.

of the bill if the provisions go forward, to ensure language is correct.

Language referenced beginning at section 8, on page 9, line 15 may not be

409 Reviews other concerns with SB 949-3 amendments.

442 SEN. HARTUNG: Asks if SB 949-3 will impede the movement toward more re-cycling of

plastics.

448 DANKO: Everyone will have a different opinion. Do not think it will impede or increase

recycling.

457 SEN. HARTUNG: Asks how New Jersey attains up to 56%.

461 DANKO: Every state calculates its rate differently. Washington claims a higher re-cycling

rate than Oregon, but Washington counts recycled automobiles and Oregon

does not.

Tape 81, B

029 SEN. HARTUNG: Asks if it is possible to find out how New Jersey is doing on plastics recycling.

030 DANKO: Will check and see if those numbers are available.

047 DIANA GODWIN: Presents prepared amendment (EXHIBIT E). Reviews amendment and asks for its inclusion in SB 949.

100 April 19, 1995 letter from League of Women Voters of Oregon in opposition to SB 949

amendment (EXHIBIT 11, April 19, 1995 memo from C. Marcelle Daeges in opposition to SB

494 (EXHIBIT J), April 19, 1995 testimony from Clackamas and Washington
Counties in
opposition to SB 949 amendments (EXHIBIT K), and Staff Measure Summary and
SB 949-2
amendments (EXHIBIT N) are submitted for the record.
102 CHAIR KINTIGH: Closes PUBLIC HEARING on SB 949.

Opens PUBLIC HEARING on SB 951. Witnesses: Margaret Kirkpatrick,
Stoel-Rives Richard Whitman, Ball Janeck Fred Heutte, Solar Energy
Association of Oregon Dan Meek, Don't Waste Oregon Council

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120 MARGARET KIRKPATRICK: Test)files in support of SB 951 from written
testimony
(EXHIBIT F,.

Submits section by section analysis of the SB 951-1 amendments (EXHIBIT G).

218 CHAIR KINTIGH: Recesses public hearing on SB 951 for a call of the
Senate.

Reconvenes public hearing on SB 951.

228 KIRKPATRICK: Continues her testimony in support of SB 951.

270 Continues her testimony with the second goal of the bill; to rethink
the state's siting policies and standards in light of changes that have
occurred since the passage of the Siting Act in 1975 (EXHIBIT G).

350 Continues her testimony.

385 Concludes her testimony.

392 RICHARD WHITMAN: Available to answer questions.

400 FRED HEUTTE: Test)files in opposition to SB 951 from written testimony
(EXHIBIT L).

Tape 82, B

I IEUTTE: Continues his testimony from (EXHIBIT L).

070 DAN MEEK: Test)files in opposition to SB 951 from written testimony
(EXHIBIT O).

175 Concludes his testimony.

176 CHAIR KINTIGH: Closes PUBLIC HEARING on SB 951.

Opens WORK SESSION on SB 1127

Witnesses:

Rod Ingram, ODFW

Jay Rasmussen, Oregon Coastal Zone Management Association

Sen. Bunn

Jim Myron, Oregon Trout

190 BRUCE McINTOSH, COMMITTEE ADMINISTRATOR: Reviews provisions of SB 1127
1, SB 1127-2 and SB 1127-3 amendments.

250 SEN. DWYER: Notes that the tribes have been omitted and feels they are
an important

component of the salmon fisheries.
Notes omission of ODFW.

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265 McINTOSH: Distributes list of issues he feels the committee needs to address. ~9

278 CHAIR KINTIGH: Asks committee's intent for Salmon Task Force.

285 Committee discussion of the issue.

310 ROD INGRAM: Committee could broaden the task of the Task Force to include other species of salmonids.

323 JAY RASMUSSEN: Concurs with Ingram. Initial intent was to make certain that we recognize that both recreational and commercial fisheries were involved. Have been discussions of using the term salmonids.

Changing the term to "salmonids" might give more emphasis to the recreational fishery and extend the scope of the planning effort. Planning effort currently focused on chinook and coho.

360 CHAIR KINTIGH: Believes intent of chief sponsor is that the bill would be geared more to commercial.

364 SEN. DWYER: Has no objection to using "salmonids".

380 CHAIR KINTIGH: Notes that the bill's chief sponsor, Senator Bunn, has joined the meeting. Gives update of committee discussion and decision. Continues review of issue list.

395 SEN. BUNN: Regardless of what we do, the wild salmon will, on a state and national level, be treated with a very high priority. This is the only place where we are saying very clearly and strongly "for survival of the long-term fishery in Oregon, we have got to have the hatchery component".

Feels ODFW has not been aggressive in dealing with hatchery issues. Wants this effort to be a completely independent, driven by the mission stated in the proposal, rather than a mission driven by the history of the agency activity we have had in the past. Do not want to come up with a process where, if there is a bias against hatcheries, it gets built into a bill that says "hatcheries need to be dealt with".

410 CHAIR KINTIGH: Continues review of issue list.

420 INGRAM: Do not see this bill being in conflict with the Salmon and Trout Enhancement Program Advisory Committee.

434 CHAIR KINTIGH: Let the record show that the legislative intent is that the STEP Advisory Committee and the Salmon Task Force will work together.

Continues review of issue list.

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445 SEN. DVVYER: Believes ODFW should provide direct assistance and the head of fisheries or someone from the department should be a member of the Salmon Task Force.

Tape 83, A

044 SEN. DWYER: Asks if ODFW should have a voice on the task force since they manage fisheries

045 SEN. BUNN: No. Think they should be fully cooperated with, fully partnered with, but their voice should not be one of those in this very limited and narrow area that I believe would be the contribution that we need at this time for the effort that is being made. That is a consensus of the people I have worked with on the issue.

054 SEN. DVVYER: Has serious concerns about hatchery fish just for the sake of fish. Gives his views on hatchery programs; straying, marking, - things that we could never compel the private sector to do because they always pled poverty. Speaks about problems of straying and mixing of genetic strains.

065 SEN. BUNN: Need to be very careful about concerns raised by Sen. Dwya. Thinks the hatcheries being involved with the public sector and the tribes has allowed us to keep a significant control factor. If we want a driving mission to identify aggressively the legitimate role of the hatcheries, we need people in that effort who have a driving passion to deal with the issue and make it work. Can not get the passion element we need from ODFW. change the Recommends keeping current language on staffing in the bill. Reluctant to House with an language at this point. If changes are needed, they can be made in the in the bill amendment. Reviews options for funding. Appropriate to include the tribes language and would be an enhancement. Hopes the strong hatchery language will remain in the bill to help drive the process toward a partnering of the wild and hatchery fish.

093 SEN. HARTUNG: Are trying to encourage private-public partnerships and this is an opportunity to see if the private sector can do better.

098 SEN. BUNN: Suggests adding the tribes as an additional member to the Task Force with language to be determined by Legislative Counsel. Appropriate to have Governor appoint the additional member. Could also add one additional public member to avoid having an even number of task force members.

126 Discussion of task force membership.

143 JIM MYRON: Voices concern about make up of task force. Glad to see tribal representative will be added. Suggests Governor's Salmon Adviser and fish organizations should be represented on the task force.

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Suggests that on page 1, lines 22 and 23 language be included that the fish not become candidates for listing under the Endangered Species Act.

170 CHAIR KINTIGH: Notes that language earlier in the bill.

172 MYRON: Feels it is important to say that we need to be at a higher level than just barely keeping the fish from being listed.

174 CHAIR KINTIGH: Asks Myron to meet with Senator Bunn to develop language.

175 CHAIR KINTIGH: Recesses WORK SESSION on SB 1127.

Opens PUBLIC HEARING on SB 1128. Witnesses: Lindsey Ball, Fish and Wildlife Division, Oregon State Police Bradd Swank, Oregon Judicial Department

189 LINDSEY BALL: Summarizes work and recommendations of committee which reviewed scheduled bails for fish and wildlife violations.

Committee and Ball discuss difference between violations and crimes in game enforcement.

288 BRADD SWANK: Explains his involvement in SB 1128.

Reviews provisions of SB 1128, technical concerns, and proposed amendments from written testimony (EXHIBIT M).

380 Reviews policy decision committee needs to make concerning whether the \$75 includes unitary assessment and county jail assessments.

405 BALL: It was the desire of the committee that \$75 be the maximum amount. Unitary assessments would be included in the \$75.

414 CHAIR KINTIGH: Closes PUBLIC HEARING on SB 1128 and asks Ball and Swank to

meet with Committee Administrator to make sure amendments are correct.

421 Reopens WORK SESSION on SB 1127.

426 McINTOSH: Reviews proposed amendments to SB 1127.

Tape 84, A

McINTOSH: Continues his review.

014 MOTION: SEN. SHANNON MOVES ADOPTION OF CONCEPTUAL AMENDMENTS REVIEWED BY COMMITTEE ADMINISTRATOR.

VOTE: WITHOUT OBJECTION, CHAIR KINTIGH DECLARES AMENDMENT ADOPTED.

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016 MOTION: SEN. SHANNON MOVES SB 1127, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

VOTE: ON A ROLL CALL VOTE, MOTION PASSES UNANIMOUSLY. ALL MEMBERS ARE PRESENT. SENATOR JOHNSON IS EXCUSED.

022 CHAIR KINTIGH: Closes WORK SESSION on SB 1127.

Adjourns meeting.

Transcribed by,

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Pat Zwick

EXHIBIT SUMMARY:

A-SB 949-Paul Cosgrove Testimony-2 pages

B-SB 949-SB 949-3 Amendments-Staff-9 pages

C-SB 949-C Taylor Testimony-3 pages

D-SB 949-B. Danko Testimony-2 pages

E-SB 949-Proposed Amendments-D. Godwin-5 pages

F-SB 951-M. Kirkpatrick Testimony-5 pages

G-SB 951-Bill Analysis-M. Kirkpatrick-8 pages

H-Not Used

I-SB 949-League of Women Voters Letter-1 page

J-SB 949-C.M.Daezes Testimony-2 pages

K-SB 949-Clackamas & Washington Counties Testimony-2 pages

L-SB 951-Fred Heutte Testimony-13 pages

M-SB 1128-B. Swank Testimony-6 pages

N-SB 949-Staff Measure Summary and SB 949-2 amendments-Staff-10 pages

O-SB 951-D. Meek Testimony-6 pages

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