

HOUSE COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEE ON ENERGY & ENVIRONMENT

Hearing Room
Tapes - 66

MEMBERS PRESENT:

Rep. Leslie Lewis, Chair
Rep. Lisa Naito, Vice-Chair
Rep. Dennis Luke
Rep. Chuck Norris
Rep. Terry Thompson
Rep. Judy Uherbelau
Rep. Veral Tarno, Ex-Officio

MEMBER EXCUSED: Rep. Bill Fisher

STAFF PRESENT:

Mark Bauer, Committee Administrator
Sandy Ceballos, Committee Assistant

MEASURES HEARD:

HB 2009 Public Hearing & Work Session
HB 2672 Public Hearing
HB 3438 Public Hearing
HB 3055 Public Hearing
HB 3077 Public Hearing
HB 3397 Public Hearing
HB 3390 Public Hearing
HB 2963 Public Hearing
HB 3239 Public Hearing
HB 3332 Public Hearing
HB 3300 Public Hearing
HB 3242 Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

008 CHAIR LEWIS: Calls meeting to order at 1:40 PM.

 HB 3239 PUBLIC HEARING

021 REP. RAY BAUM: Introduces and summarizes HB 3239.

034 REP. UHERBELAU: Asks what the disputes have been between the state and the existing leases.

039 REP. BAUM: Explains what the conflict have been.

051 JILL WORKMAN, DIVISION OF STATE LANDS GRAZING FEE ADVISORY COMMITTEE:
Testifies in opposition to HB 3239, from written testimony. (EXHIBIT A)

101 Continues testimony on HB 3239.

132 JAYNE TRACY, COMMON SCHOOL FUND GRAZING LANDS ASSOCIATION COMMITTEE:
Submits and reviews testimony in support of HB 3239. (EXHIBIT B)

164 FREDERICK W. OBERMILLER: Submits and reviews testimony in support of HB
3239.
(EXHIBIT C)

183 REP. UHERBELAU: You stated in your testimony that the Constitution made
it clear that grazing was the best use of these lands.

187 OBERMILLER: Cites the appropriate section from the Oregon Constitution.

Additional written testimony submitted by the following:
-Rep. Denny Jones (EXHIBIT D)
-Oregon Trout (EXHIBIT E)
-Gary Gustafson, Director, Division of State Lands (EXHIBIT F)

200 Closes the PUBLIC HEARING on HB 3239

HB 2672 PUBLIC HEARING

203 LARRY CAMPBELL, REPRESENTING SENECA MILL: Asking committee to allow a
review of the amendments and then come back to committee.

225 REP. PATTY MILNE: Submits and reviews testimony with committee.
(EXHIBIT G)
Concern is to make sure appraisal process is followed.

265 AL LIGHTNER, RIGHT OF WAY PROJECT ADMINISTRATION SUPERVISOR, OREGON
DEPARTMENT OF TRANSPORTATION: Submits and reviews testimony with
committee. The bill has a major impact on the Department of
Transportation, estimated to be \$28.1 million. The cost to of appraisals
will increase for ODOT. (EXHIBIT H)

310 BILL BACH, PORT OF PORTLAND: Would like the opportunity to review the
amendments. Submits testimony that outlines major concerns that this bill
would not further public policy. (EXHIBIT I)

329 LINDA MING, PORTLAND CITY ATTORNEY'S OFFICE: The kinds of appraisal
requirements in the current language will dramatically increase the cost.
Submits testimony to committee. (EXHIBIT J)

Additional written testimony submitted by the following:
-Kingsley Click, Judicial Department (EXHIBIT K)
-Paul Nolte, City Attorney, City of Ashland (EXHIBIT L)
-Peter Wells, City Attorney, City of Pendleton (EXHIBIT M)

340 Closes the PUBLIC HEARING on HB 2672

HB 3332 PUBLIC HEARING

350 REP. RASMUSSEN: Introduces Dan Saltzman.

356 DAN SALTZMAN, MULTNOMAH COUNTY COMMISSIONER: Submits and reviews
testimony in support of HB 3332. (EXHIBIT N)

389 REP. LUKE: Asks who's responsible for the operation and maintenance of
property converted to park property, if the non-profit shuts down.

390 SALTZMAN: It would revert to county ownership and the county would decide what to do with it.

423 REP. UHERBELAU: Property would not be conveyed

431 SALTZMAN: That's correct.

464 Closes the PUBLIC HEARING on HB 3332

HB 3438 PUBLIC HEARING

475 JOE HOBSON, ATTORNEY, OREGON FARM BUREAU: Testifies in support of HB 3438 and submits written testimony. (EXHIBIT O)

TAPE 65, SIDE A

070 REP. LUKE: Asks about liability if you invite someone on your property to cut firewood.

073 JOHN DiLORENZO, ATTORNEY, OREGONIANS FOR FOOD & SHELTER: Submits and reviews testimony with committee in support of HB 3438. (EXHIBIT P)

Closes the PUBLIC HEARING ON HB 3438

HB 3055 PUBLIC HEARING

100 PAUL COSGROVE, THE AMERICAN FOREST AND PAPER ASSOCIATION: Submits and reviews testimony in support of HB 3055. (EXHIBIT Q)

154 REP. UHERBELAU: The language as it exists now does not tell me what you intend to do.

173 COSGROVE: The current law provides that if the material has a positive market value, it cannot be kept in the counties

245 SUZANNE JOHANNSEN, CITY COMMISSIONER, CITY OF BEND: Submits testimony from City of Bend and Deschutes County Commission in opposition to HB 3055.

(EXHIBIT R)

348 REP. LUKE: Asked what the city and county are doing with plastic recycling.

350 JOHANNSEN: Responds and explains current practice and process.

373 KRISTAN MITCHELL, GOVERNMENTAL AFFAIRS DIRECTOR, OREGON REFUSE & RECYCLING ASSOCIATION: Submits and reviews testimony in opposition to HB 3055.

(EXHIBIT S)

423 -Continues testimony on HB 3055.

Additional written testimony submitted by the following:

-Tom Vanderzanden, Dept. of Transportation & Development, Clackamas County (EXHIBIT T)

-Peter Wells, City Attorney, City of Pendleton (EXHIBIT U)

-Jeffrey Rogers, City Attorney, City of Portland (EXHIBIT V)

-Marion County Commissioners (EXHIBIT W)

-James Sears, Director, Solid Waste Management, Marion County (EXHIBIT X)

-Lynne Storz, Solid Waste Manager, Washington County (EXHIBIT Y)

-John Drew, President, Far West Fibers, Inc. (EXHIBIT Z)

-Raymond Petermeyer, EZ Recycling (EXHIBIT AA)

470 Closes the PUBLIC HEARING on HB 3055

TAPE 64, SIDE B

HB 3390 PUBLIC HEARING

030 JOE GILLIAM, OREGON REINFORCED PLASTICS ASSOCIATION: Represents fiberglass industry. Permit process is over overwhelming for Title V permit. Submits and reviews testimony, including photo's, in support of HB 3390. (EXHIBIT BB)

074 LUKE: What is Title V permit.

078 GILLIAM: Explains the process and paperwork in Title V permit process.

093 UHERBELAU: Questions the language and violations or enforcement actions.

116 JOHN RUSCIGNO, MANAGER, PROGRAM OPERATIONS SECTION, AIR QUALITY DIVISION

OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY: Submits and reviews testimony in opposition to HB 3390. He is the manager of the Title V permit program that this bill refers to. (EXHIBIT CC)

166 LOWELL MILES, OREGON REINFORCED PLASTIC ASSOCIATION: Testifies in support of HB 3390. Explains process of trying to get a Title V permit.

222 REP. UHERBELAU: Asks if he has written testimony.

226 MILES: No.

Closes the PUBLIC HEARING on HB 3390

HB 3397 PUBLIC HEARING

236 JOE GILLIAM, OREGON REINFORCED PLASTICS ASSOCIATION: Speaks in support of HB 3397 and the current testing procedure. Disagreement in which test is more accurate. This bill outlaws stack testing, which test the particles emitted.

280 LUKE: Has concerns about putting a specific test in the law when test methods can change over the years.

290 GILLIAM: Explains the problems with stack testing.

360 JOHN RUSCIGNO, MANAGER OF THE PROGRAM OPERATIONS SECTION OF THE AIR QUALITY DIVISION OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY: Submits and reviews testimony in opposition to HB 3397. (EXHIBIT DD)

412 REP. UHERBELAU: Asks why there are different types of tests, why isn't there a standard.

432 -Do you use the same test across the board.

438 RUSCIGNO: There isn't an approved EPA test method.

460 Explains to Rep. Luke what a stack test is.

471 REP. LUKE: Asks for an explanation of the mass balance test.

TAPE 65, SIDE B

034 RUCSIGNO: Explains the mass balance test.

040 -Qualifies his response to mass balance.

075 REP. UHERBELAU: Haven't they been testing plastics in other states; isn't there some literature out there to tell us what the best method is

to test.

089 LOWELL MILES, MILES FIBERGLASS AND PLASTICS: Testifies as to the test standards that have been approved and are used in other states. Submits written testimony on standards. (EXHIBIT EE)

145 Closes the PUBLIC HEARING on HB 3397

HB 3077 PUBLIC HEARING

148 GRANT JOHNSON, WATERFRONT OWNERS AND OPERATORS ASSOCIATION: Submits testimony and draft bill with amendments. (EXHIBIT FF)

178 BOB RINDY, OREGON DIVISION OF STATE LANDS: The Department would not oppose marine zoning inside urban growth boundaries. Most concerned about conversion of prime farm or forest land.

204 MELISSA MARSLAND, SAUVIE ISLAND CONSERVANCY: Submits and comments on HB 3077. (EXHIBIT GG)

Additional written testimony submitted by the following:

- Phillip Johnson, Oregon Shores Conservation Coalition (EXHIBIT HH)
- Donna Matrazzo & Stuart Sandler, Sauvie Island Conservancy (EXHIBIT II)
- Jean Adams, Moorage Owner, Multnomah Channel (EXHIBIT JJ)
- Jodeanne Bellant, Moorage Owner (EXHIBIT KK)
- Mark Valeske, President, FORCE (EXHIBIT LL)
- Stephen Scheer, D.C. (EXHIBIT MM)
- Dennis Cassidy (EXHIBIT NN)
- Elizabeth Larson, Larson's Marina (EXHIBIT OO)

242 Closes the PUBLIC HEARING ON HB 3077

HB 2963 PUBLIC HEARING

257 CHUCK PEARSON, PRESIDENT OF THE OREGON ASSOCIATION OF COUNTY ENGINEERS AND SURVEYORS: Concurs that Section 4 should be deleted. Has discussed this with the County Planners Association.

273 -Reduces requirements for platting and deletes the requirement for filing with the Water Resources Department.

299 -The Water Resources Department concurs with this.

306 Closes the PUBLIC HEARING ON HB 2963

HB 3300 PUBLIC HEARING

330 TOM OCONNER, LEAGUE OF OREGON CITIES: The League opposes this bill. Many cities have utility facilities located outside the urban growth boundary. Submits written testimony on behalf of the following:

- Joni Low, League of Oregon Cities (EXHIBIT PP)
- Kent Taylor, City Manager, City of McMinnville
- Stanley Kehyon, City Manager, City of Monmouth
- Gwen VanDenBosch, Mayor, City of Dallas
- Scott Lazenby, City Manager, City of Sandy
- Robert Ramig, Mayor, City of Pendleton

350 REP. NAITO: Asked about the process for condemnation of property.

360 PETE CASTINE, DEPUTY CITY ATTORNEY, CITY OF PORTLAND: Explains the condemnation process and eminent domain. Testifies on the financial

impacts this legislation might have on municipal governments. Submits testimony in opposition from the City of Portland. (EXHIBIT QQ)

428 THOMAS BUCKHOUSE, DIRECTOR, FACILITIES SERVICES DIVISION OF THE EUGENE WATER & ELECTRIC BOARD: Submits and reviews written testimony in opposition to HB 3300. (EXHIBIT RR)

TAPE 66, SIDE A

035 DON SCHELLENBERG, OREGON FARM BUREAU: Testifies in support of HB 3300.

090 REP. TARNO: Are there other examples of this type of thing.

096 -Is there any recourse to the property owners.

120 Closes the PUBLIC HEARING on HB 3300

HB 2009 PUBLIC HEARING

150 TOM GALLAGHER, BALL, JANIK & NOVACK, REPRESENTING SCHNITZER STEEL: Submits and reviews testimony supporting HB 2009 -1 amendments, testifies in support of HB 2009-2 amendments. (EXHIBIT SS)

179 BOB DANKO, DEPARTMENT OF ENVIRONMENTAL QUALITY: Does not oppose.

Closes the PUBLIC HEARING on HB 2009

HB 2009 WORK SESSION

MOTION: REP. NAITO: Moves to adopt HB 2009 -2 amendments.

VOTE: Hearing no objections, the motion CARRIES.

MOTION: REP. NAITO: Moves HB 2009 as amended to the full committee with a

DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE 7-0.

AYES: Thompson, Tarno, Naito, Norris, Uherbelau, Luke, and Lewis.

CHAIR: The motion CARRIES.

212 Closes the WORK SESSION on HB 2009.

HB 3242 PUBLIC HEARING

218 CAROLYN YOUNG, DEPARTMENT OF ENVIRONMENTAL QUALITY: Testifies in opposition to HB 3242.

290 REP. UHERBELAU: Asked if either of the two programs are privatized.

325 RALPH GRONER, JUNIOR LOBBYIST, REPRESENTING AFSME: Testifies in opposition to HB 3242.

-AFSME is not opposed to privatization in general.

360 -Nationally some counties have bid projects and been awarded the bid, while competing against private companies.

380 Closes the PUBLIC HEARING on HB 3242.

382 CHAIR LEWIS: Adjourns the meeting at 4:00 PM.

Transcribed by,

Reviewed by,

Shelley Jones
Committee Assistant

Mark Bauer
Committee Administrator

EXHIBIT LOG:

A- HB 3239, Testimony- Workman- 2 pages
B- HB 3239, Testimony- Tracy- 2 pages
C- HB 3239, Testimony- Obermiller- 7 pages
D- HB 3239, Testimony- Jones- 4 pages
E- HB 3239, Testimony- Oregon Trust- 2 pages
F- HB 3239, Testimony- Gustafson- 2 pages
G- HB 2672, Testimony- Milne- 1 page
H- HB 2672, Testimony- Lightner- 8 pages
I- HB 2672, Testimony- Bach- 7 pages
J- HB 2672, Testimony- Ming- 3 pages
K- HB 2672, Testimony- Click- 2 pages
L- HB 2672, Testimony- Nolte- 2 pages
M- HB 2672, Testimony- Wells- 1 page
N- HB 3332, Testimony- Saltzman- 3 pages
O- HB 3438, Testimony- Hobson- 2 pages
P- HB 3438, Testimony- DiLorenzo- 3 pages
Q- HB 3055, Testimony- Cosgrove- 4 pages
R- HB 3055, Testimony- Johannsen- 6 pages
S- HB 3055, Testimony- Mitchell- 5 pages
T- HB 3055, Testimony- Vanderzanden- 1 page
U- HB 3055, Testimony- Wells- 1 page
V- HB 3055, Testimony- Rogers- 6 page
W- HB 3055, Testimony- Marion County- 2 pages
X- HB 3055, Testimony- Sears- 2 pages
Y- HB 3055, Testimony- Storz- 1 page
Z- HB 3055, Testimony- Drew- 2 pages
AA- HB 3055, Testimony- Petermeyer- 1 page
BB- HB 3390, Testimony- Gillian- 7 pages
CC- HB 3390, Testimony- Ruscigno- 2 pages
DD- HB 3397, Testimony- Ruscigno- 1 page
EE- HB 3397, Testimony- Miles- 6 pages
FF- HB 3077, Testimony- Johnson- 4 pages
GG- HB 3077, Testimony- Marsland- 1 page
HH- HB 3077, Testimony- Johnson- 2 pages
II- HB 3077, Testimony- Matrazzo & Sandler- 6 pages
JJ- HB 3077, Testimony- Adams- 1 page
KK- HB 3077, Testimony- Bellant- 1 page
LL- HB 3077, Testimony- Valeske- 1 page
MM- HB 3077, Testimony- Scheer- 1 page
NN- HB 3077, Testimony- Cassidy- 1 page
OO- HB 3077, Testimony- Larson- 1 page
PP- HB 3300, Testimony- Low- 6 pages
QQ- HB 3300, Testimony- Castine- 4 pages
RR- HB 3300, Testimony- Buckhouse- 2 pages
SS- HB 2009, Testimony- Gallagher- 1 page