

June 8, 1995 Hearing Room A
6:45 PM Tape 1, Side A

MEMBERS PRESENT: Senator Paul Phillips
Senator Shirley Gold
Senator Walden
Representative John Schoon
Representative Tony Federici
Representative Lokan

STAFF PRESENT:
Jim Scherzinger, Legislative Revenue Officer
Kim Taylor James, Committee Assistant

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 1, A

004 Chair Phillips -calls meeting to order at 6:45 PM.
-clarifies that it is his understanding that an issue has been raised by
the some of the Senate Democratic caucus .

013 Rep. Federici -notes the House Democrats are not a party to the issue

022 Chair Phillips -summarizes at issue is the House amendment that was put
on in the House State & School Finance Committee ruled unconstitutional by
the US Supreme Court regarding fees for out of state waste disposal.

029 Phillips -declares a conflict of interest

033 Phillips -calls John Dilozenzo, Columbia Resource Company to testify
-refers to a letter that Phillips (both Gold & Walden have seen

the letter) to Dilozenzo expressing his concerns. (see Exhibit A page 2 in

part)

041 John Dilozenzo -reads his written testimony dated June 8, 1995, Exhibit A
(with some explanations)

-clarifies the US Supreme Court invalidates the fee on out of state waste,
but also the statutory scheme that allowed it to be enacted.

-a bill has passed the US Senate (SB 534) providing that states may enact
fees on out of state waste, but they have to have been imposed and
collected before April 3, 1994

-continues he requested the repeal of those statutes in the House State &
School Finance Committee on behalf of Columbia Resource Co.

-notes he has heard some members of the Senate Minority caucus attribute
the amendments to Phillips and emphasized that was not the case.

-clarified Dilozenzo informed Phillips of the impending submission of the
proposal and Phillips had nothing to do with them.

094 Dilozenzo -discusses his position on the effect of federal legislation on
the issue.

090 Reps. Schoon -asked for clarification of who ruled the commerce clause
had been violated

098 Dilozenzo -US Supreme Court the Oregon Statute was in violation of the US

Constitution.

134 Gold -expresses her displeasure at the contents of paragraph 6 "gossip"
of page 2 (Exhibit A) emphasizing she is offended.

-clarified the request of the Governor by the Senate Minority

153 Gold/Dilozenzo -discussion

127 Rep. Schoon -requests Executive Branch input

133 Patricia O'Sullivan Department of Administrative Services

-clarifies the Exec. Department was not a part of the dispute noting the

DEQ agreed to the amendment at the time it was made.

142 Schoon -comments the absence of a representative of DAS to speak to their

supposed problem with SB 333

149 All -discussion

189 Schoon -requests a representative of the Governor's Office to speak to the issue.
 205 All -discussion of violation being statutory vs. constitutional
 226 Chair Phillips -met with Wyatt several times this day
 228 Sen. Schoon -asks if the Governor had threatened to veto SB 333
 229 Sen. Gold -yes
 230 Rep. Federici -had specifically asked for guidance from Governor's office

on this issue and requested attendance
 242 All -general discussion
 250 Sen. Gold -clarifies "DAS really is not concerned in this matter"...the effort here does not have to do with their interest or noninterest in this."
 258 Pat O'Sullivan -clarifies again at the time of the amendment DEQ had no problem with it, they have since changed their mind
 262 Rep. Federici -obvious the Governor's Office's interest is because of the

initiation of the Senate Democratic caucus
 265 Rep. Gold -adds "and the ongoing congressional activity"
 268 Chair Phillips -if Congress did something, Oregon would have to draft new laws

275 Rep. Schoon -agrees
 276 Rep. Walden - agrees
 282 Rep. Lokan -agrees
 288 Sen. Gold -general discussion of US Supreme Court decision effects
 316 Sen. Walden -summarizes his view that it has been thrown out by the court, sees no reason to leave it on the books, and thinks it ought to be removed
 326 All -general discussion of removal of the authority
 320 Chair Phillips recesses the meeting at 7:10 PM until 7:15 PM

348 Sen. Gold MOVES ADOPTION OF SB 333-B-42 (6/8/95) AMENDMENTS

note: Sen. Gold states B42 amendments but the B43 amendments were her intent

-the effect would be to delete a portion of the bill that has to do with the solid waste

360 Sen. Phillips IN A ROLL CALL VOTE THE MOTION FAILED 1-5-0. NAYS: REPS. FEDERICI, LOKAN, SCHOON, SENATORS PHILLIPS, WALDEN. AYES: SENATOR GOLD
 374 Jim Scherzinger -distributes the original amendments of the previous conference committee with no change - B 41 amendment
 377 Rep. Schoon MOVES ADOPTION OF SB 333-B41 AMENDMENTS.
 378 Sen. Gold -objects
 379 Chair Phillips -explains effect of amendment
 386 All - discussion
 400 Rep. Schoon -IN A ROLL CALL VOTE THE MOTION PASSES 5-1-0. AYES: REPS. FEDERICI, LOKAN, SCHOON, SENATORS PHILLIPS, WALDEN. NAYS: SENATOR GOLD
 419 Rep. Schoon -MOVES THAT THE SENATE CONCUR IN THE HOUSE AMENDMENTS DATED MAY 10, AND THE BILL BE FURTHER AMENDED.
 427 Chair Phillips IN A ROLL CALL VOTE THE MOTION PASSES 5-1-0. AYES: REPS. FEDERICI, LOKAN, SCHOON, SENATORS PHILLIPS, WALDEN. NAYS: SENATOR GOLD
 441 Chair Phillips Phillips and Schoon to carry the bill in floor debate adjourns the meeting at 7:18 PM

Kimberly Taylor James
 Committee Assistant

EXHIBIT SUMMARY:

- A. Dilorenzo Testimony, June 8, 1995, 7 pages
- B. SB 333-B42 Amendments,
- C. SB 333-B41, 6/1/95, 5 pages
- D. SB 333-B43, 6/8/95, 5 pages

CONFERENCE COMMITTEE ON HB 333

June 8, 1995 Hearing Room A
8:45 PM Tape 2

MEMBERS PRESENT: Senator Paul Phillips
 Senator Shirley Gold
 Senator Walden
 Representative John Schoon
 Representative Tony Federici
 Representative Lokan

STAFF PRESENT: Jim Scherzinger, Legislative Revenue Officer
Kim Taylor James, Committee Assistant

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 1, A

005 Chair Phillips calls the meeting to order at 8:50 PM
011 -ASKS IF THERE IS ANY OBJECTION TO RECONSIDERING THE VOTE UPON WHICH WE
SENT SB 333 CONFERENCE COMMITTEE REPORT TO THE FLOOR
 -HEARING NONE SO ORDERED
013 Rep. Schoon -MOVES ADOPTION OF THE SB 333B-34 AMENDMENTS
016 Jim Scherzinger -explains B-44 amendments are essentially the same
amendments as before with the addition of the substantive requirement that
the Department of Administrative Services report to the Emergency Board and

to the appropriate interim committee when requested to provide a progress
report on the development of the fee report.

021 Sen. Gold -objects
028 Chair Phillips IN A ROLL CALL VOTE THE MOTION PASSES 5-1-0. AYES: REPS.

FEDERICI, LOKAN, SCHOON, SENATORS PHILLIPS, WALDEN. NAYS: SENATOR GOLD
029 Rep. Schoon MOVES THE CONFERENCE COMMITTEE CONCUR IN THE HOUSE AMENDMENTS

DATED MAY 10 AND FURTHER AMEND BY THE B-44 AMENDMENTS AND REPOSED
033 Sen. Phillips restates: THE MOTION IS AS REP. SCHOON SAID
 asks if there is any objection

035 Sen. Gold objects
035 Sen. Phillips IN A ROLL CALL VOTE THE MOTION PASSES 5-1-0. AYES: REPS.
FEDERICI, LOKAN, SCHOON, SENATORS PHILLIPS, WALDEN. NAYS: SENATOR GOLD
040 Sen. Phillips adjourns the meeting at 9:55 PM

Kimberly Taylor James
Committee Assistant

Exhibit Summary:

A. SB 333-B44, 6/8/96, 6/8/95