

HOUSE COMMITTEE ON NATURAL RESOURCES

June 24, 1993 Hearing Room D 1:30 p.m. Tapes 60 - 62

MEMBERS PRESENT: Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair
Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep.
Dennis Luke Rep. Bill Markham Rep. Chuck Norris Rep. Nancy Peterson Rep.
Bob Repine Rep. Liz VanLeeuwen

STAFF PRESENT: Kathryn Van Natta, Committee Administrator
Catherine Fitch, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED: Work Session - SB 42 A-Engrossed

Public Hearing and Work Session - SB 192 A-Engrossed - SB 333
A-Engrossed - SB 867 - SB 952 A-Engrossed - SB 1036 A-Engrossed - SB
1116 A-Engrossed

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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. [--- Unable To Translate
Graphic ---]

WITNESSES: MIKE DEWEY, Oregon Waste Systems SEN. BILL DWYER DON MINER,
Oregon Manufactured Homes GEORGE E. RICHARDSON, JR., Northwest Natural
Gas GERALD LUNDEEN, Oregon Public Utility Commission KEITH BURNS,
Container Recovery, Inc. KAY JURAN, Oregon Food Industries BRIDGET
FLANAGAN, Safeway Stores SEN. JOYCE COHEN GARY GUSTAFSON, Director,
Division of State Lands JILL ZARNOWITZ, Oregon Department of Fish
and Wildlife LARRY TROSI, Oregon Farm Bureau ANDY ANDERSON, Executive
Vice-President, Oregon Farm Bureau LADD HENDERSON, Santiam Water Control
District SANDRA FLICKER, Oregon Rural Electric Cooperative Association
HENRY C. LORENZEN, Umatilla Electric Cooperative Association JOHN
McCULLEY, Agricultural Cooperative Council GARY BAUER, Oregon
Independent Telephone Association DOUG COENEN, Division President
and General Manager, Oregon Waste Systems KRISTIN MITCHELL, Oregon
Sanitary Service Institute JERRY YUDELSON, Roosevelt Regional Landfill
DIANA GODWIN, Regional Disposal Company BOB DANKO, Department of
Environmental Quality

TAPE 60, SIDE A

005 CHAIR BAUM: Calls meeting to order at 2:16 p.m.

023 OPENS WORK SESSION ON SB 42 A-ENGROSSED

029 CATHERINE FITCH, Committee Administrator: This measure was heard by the Subcommittee on Environment and Energy on May 3, and attempts to correct non-substantive errors or inconsistencies in Oregon's solid waste

management law.

050 MIKE DEWEY, Oregon Waste Systems: The -3 amendments to SB 42 (EXHIBIT A) have been reviewed by the Department of Environmental Quality (DEQ). Senate Bill 42 is intended to make corrections to erroneous material in Oregon statutes dealing with solid waste and to clarify the intent of

the language. Our legal counsel believes that if these amendments are not adopted, there may possibly be a substantive change in the statute.

The -3 amendments were not offered on the Senate side.

121 MOTION: REP. JOSI: Moves the SB 42 A-3 AMENDMENTS (LC 857-1), dated 5-3-93 to SB 42 A-ENGROSSED. 123 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

125 MOTION: REP. JOSI: Moves SB 42 A-ENGROSSED to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE SB 42 A-3 AMENDMENTS (LC 857-1), dated 5-3-93.

126 CHAIR BAUM: Restates motion and calls for discussion.

127 VOTE: REP. DELL, DOMINY, FISHER, JOSI, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM. REPS. HOSTICKA and MARKHAM are EXCUSED.

135 CHAIR BAUM: The motion CARRIES. REP. BAUM will lead discussion on the floor.

Additions to the record: SB 42 A-Engrossed Staff Measure Summary, Fiscal Analysis, Revenue

Impact Analysis, Senate Amendments to SB 42, and Senate Vote Sheet

(EXHIBIT B)

139 CLOSES WORK SESSION ON SB 42 A-ENGROSSED

OPENS PUBLIC HEARING ON SB 333 A-ENGROSSED

142 KATHRYN VAN NATTA, Committee Administrator: Senate Bill 333 deals with manufactured dwellings, and was passed in the Senate with a vote of 29 - 0. The measure has no revenue impact, and allows the siting of 4 to 6

mobile homes in the same density as site-built homes. According to the Building Codes Agency, the change could remove some mobile home parks

from regulation. The agency anticipates an insignificant impact on existing staff, and is unable to estimate any potential revenue impact.

171 SEN. BILL DWYER: Testifies in support of SB 333 A-Engrossed. The amended version of the bill does not impact the landlord-tenant

relationship in mobile home parks, and allows clusters of this type of affordable housing.

190 REP. JOSI: We passed a bill during the first part of the session which allows mobile homes in certain areas of the city. How does this bill

dovetail with that?

197 DON MINER, Oregon Manufactured Homes: This allows more than one home on a particular lot. The bill you're referring to, HB 2835, allows one

home per lot. Senate Bill 333 allows the siting of up to six mobile homes without mobile home park standards. Local development standards must still be complied with, but the state requirements for constructing a mobile home park would not have to be complied with. At the same time, those who live in these "clusters" would still receive landlord-tenant protections.

209 CHAIR BAUM: This also only applies in multi-family zones or where there is the ability to have a permitted outright use.

216 MINER: And only if local officials permit it. It only overrides the state requirement regarding mobile home parks.

220 REP. PETERSON: What is the need for this bill?

221 SEN. DWYER: This bill will create affordable housing for people who cannot afford site-built homes.

231 REP. PETERSON: Does this assume that people will buy a lot as well as a manufactured home?

234 SEN. DWYER: Probably not, but this doesn't preclude that from occurring.

238 REP. PETERSON: So this could be like a mini mobile home park, in which all the landlord-tenant laws still apply?

240 SEN. DWYER: Yes.

243 REP. DOMINY: Would this bill allow manufactured homes to be placed on land as long as they met codes and standards?

247 SEN. DWYER: That's right.

250 REP. DELL: If I wanted to put six mobile homes in a multi-family zone, would city restrictions still apply?

261 MINER: Projects must comply with local comprehensive plans and land-use regulations. As I understand it, this bill is uniquely designed to

take care of elderly housing within Lane County.

282 REP. DELL: Would there be any city regulations regarding the appearance of these homes?

292 SEN. DWYER: Local governments still have input into this process, and the homes must still comply with local comprehensive plans.

306 REP. DELL: Those restrictions would not be in a comprehensive plan.

307 CHAIR BAUM: This addresses multi-family zones, in which apartment complexes and duplexes are allowed. The standards probably won't be the same as for single-family zones. They'll still have to go through the

planning commission process, as is done for apartments and duplexes.

322 SEN. DWYER: Current law says any cluster of over four manufactured homes is a mobile home park.

334 MINER: The only part of the bill which overrides local control is on Line 6 of the bill regarding "the requirements of ORS 446.003 to

446.145." These statutes contain the minimum standards the state imposes for mobile home parks. Cities can impose different standards if they so choose.

346 JOSI: What's the status of that other bill? 348 MINER: That bill has passed the Senate, and is awaiting the Governor's signature.

350 JOSI: When that bill takes effect, won't that bill affect multi-family zones?

355 SEN. DWYER: No. The definition of a mobile home is still defined as more than four manufactured homes.

363 MINER: That bill also only affected one home on one lot for single-family use.

388 REP. NORRIS: Are we talking about rental units?

392 SEN. DWYER: It could be a group of tenants. There are all kinds of possibilities.

410 REP. VanLEEUEWEN: In one of the towns in my district, manufactured homes must meet much more stringent requirements.

444 CHAIR BAUM: CLOSING PUBLIC HEARING ON SB 333 A-ENGROSSED

OPENS WORK SESSION ON SB 333 A-ENGROSSED

450 MOTION: REP. DOMINY: Moves SB 333 A-ENGROSSED to the floor with a DO PASS RECOMMENDATION.

460 CHAIR BAUM: Restates motion and calls for discussion.

462 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. LUKE is

EXCUSED.

474 CHAIR BAUM: The motion CARRIES. REP. DOMINY will lead discussion on the floor.

Additions to the record: SB 333 A-Engrossed Staff Measure Summary, Fiscal Analysis, Revenue

Impact Analysis, Senate Amendments to SB 333, and Senate Vote Sheet

(EXHIBIT C)

CLOSES WORK SESSION ON SB 333 A-ENGROSSED

OPENS PUBLIC HEARING ON SB 1116 A-ENGROSSED

TAPE 61, SIDE A

[Note: Tape 61, Side A was inadvertently erased. The following minutes are derived from notes taken during the meeting.]

023 RICK HARPER, Northwest Natural Gas: Presents written testimony (EXHIBIT D) in support of SB 1116 A-Engrossed. Conducts slide presentation

regarding gas supply for Northwest Natural Gas.

177 GERALD LUNDEEN, Oregon Public Utility Commission: Presents written testimony (EXHIBIT E) in support of SB 1116 A-Engrossed.

212 CHAIR BAUM: CLOSES PUBLIC HEARING ON SB 1116 A-ENGROSSED

OPENS WORK SESSION ON SB 1116 A-ENGROSSED

216 MOTION: REP. HOSTICKA: Moves SB 1116 A-ENGROSSED to the floor with a DO PASS RECOMMENDATION.

220 CHAIR BAUM: Restates motion and calls for discussion.

222 VOTE: REPS. DELL, FISHER, HOSTICKA, JOSI, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAM vote AYE. REPS. DOMINY, LUKE and MARKHAM

are EXCUSED.

240 CHAIR BAUM: The motion CARRIES. REP. HOSTICKA will lead discussion on the floor.

Additions to the record: SB 1116 Staff Measure Summary, Fiscal Impact

Assessment, Revenue

Impact Analysis, Senate Amendments to SB 1116, Senate Vote Sheet
(EXHIBIT F)

CLOSES WORK SESSION ON SB 1116 A-ENGROSSED

OPENS PUBLIC HEARING ON SB 952 A-ENGROSSED

263 KEITH BURNS, Container Recovery, Inc.: Presents written testimony (EXHIBIT G) in support of SB 952.

305 KAY JURAN, Oregon Food Industries: Presents written testimony (EXHIBIT H) in support of SB 952. All grocers take more than 96 cans, but

because of these foreign cans, we've increased it to six cases.

357 BRIDGET FLANAGAN, Safeway Stores: Testifies in support of SB 952 . Describes difficulties of retailers being "recyclers."

TAPE 60, SIDE B

005 FLANAGAN: Continues testimony. Bottles and cans purchased in neighboring states which do not have a deposit or bottle bill are being brought to Oregon stores. It's virtually impossible for a retailer to

determine whether a container was purchased outside Oregon.

057 REP. FISHER: I didn't know that bottlers could print an Oregon return on cans which are sold somewhere else.

063 FLANAGAN: You don't want to maintain a separate inventory for each state which has a deposit.

067 REP. FISHER: Are there no laws regarding criminal mischief for those who try to sell unmarked cans?

072 FLANAGAN: We don't want to become "bottle police."

077 REP. PETERSON: Currently 96 bottles per person can be returned per day, unless you post a time during which more will be accepted. Do most

stores post that time?

081 FLANAGAN: Current law states that at any time a retailer is open, they must redeem 96 containers. For volumes over that, retailers must post a sign stating when they will accept additional containers.

088 REP. PETERSON: Is the problem with indigents who survive by bringing in cans?

092 FLANAGAN: Not in our experience.

111 REP. LUKE: What's a can worth on the open market?

114 BURNS: Less than one penny.

116 REP. FISHER: Who is actually out a million dollars over two years?

119 BURNS: At this point, Container Recovery, Inc. We have over-redeemed by \$1.2 million.

124 FLANAGAN: It also costs the retailer. We spend \$45,000 annually per store just staffing the redemption area.

135 CHAIR BAUM: CLOSSES PUBLIC HEARING ON SB 952 A-ENGROSSED

OPENS WORK SESSION ON SB 952 A-ENGROSSED

136 MOTION: REP. NORRIS: Moves SB 952 A-ENGROSSED to the floor with a DO PASS RECOMMENDATION.

144 CHAIR BAUM: Restates motion and calls for discussion.

149 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE and CHAIR BAUM vote AYE. REP. VanLEEUVEN is EXCUSED.

156 CHAIR BAUM: The motion CARRIES. REP. FISHER will lead discussion on the floor.

Additions to the record: SB 952 Staff Measure Summary, Fiscal Impact Assessment, Revenue

Impact Analysis, Senate Vote Sheet (EXHIBIT I)

164 CLOSSES WORK SESSION ON SB 952 A-ENGROSSED

OPENS PUBLIC HEARING ON SB 192 A-ENGROSSED 168 FITCH: Senate Bill 192 A-Engrossed was first heard by the Agriculture and Forestry Subcommittee, and addresses the concern that aggregate

removal from streams can destroy salmon habitat.

This bill requires the Division of State Lands (DSL) to conduct a study regarding the relationship between aggregate removal and habitat destruction. There is a fiscal impact of \$225,000, which is DSL's estimate of that cost study, which is in a decision package in the Governor's recommended budget for DSL. The source of money is the Watershed Health Program revenue committed from lottery dollars. The bill has an emergency clause.

200 SEN. JOYCE COHEN: Testifies in support of SB 192 A-Engrossed. This bill is not a prohibition bill, but insures that critical habitat areas are identified. In the -4 amendments, we have carefully made exemptions for the agricultural community, have narrowed the bill to include the

anadramous species and have used the word "indigenous." This must go

through agency rule-making before permitting begins.

280 REP. NORRIS: This bill was heard in the Subcommittee on Water, not the Subcommittee on Agriculture and Forestry:

296 GARY GUSTAFSON, Director, Division of State Lands: Presents written testimony (EXHIBIT J) in support of SB 192 A-Engrossed.

368 REP. MARKHAM: Does this cover private as well as public bridges?

370 GUSTAFSON: Yes.

393 REP. HOSTICKA: What kind of activities would people be doing to sensitive habitats which are not covered on your list?

418 SEN. COHEN: Perhaps people who want a small gravel business who use a backhoe in a stream bed. These people are not legitimate agriculture

operators.

TAPE 61, SIDE B

019 REP. JOSI: That occurred on the Nehalem River. These people actually went into the river on someone else's property, took over fifty yards of gravel without any fear of reprisal, and literally changed the course of the river.

025 REP. MARKHAM: Do these exemptions include the scenic rivers?

033 CHAIR BAUM: I think it depends upon whether it's wild, scenic or recreational.

040 VAN NATTA: Could you update the status of the Nehalem River for the record?

044 GUSTAFSON: We are currently pursuing several enforcement measures against the operator in Columbia County, and are working with the county district attorney to prosecute him and his neighbor. Our difficulty is

in trying to determine where the 50 cubic yard threshold is. Often a someone will accuse their neighbor of taking 50 - 60 yards, which is

denied. 096 JILL ZARNOWITZ, Oregon Department of Fish and Wildlife: Provides map of areas in which anadromous salmonids are listed as sensitive, threatened or endangered (EXHIBIT K).

148 REP. LUKE: What stops the fish below Lebanon?

150 ZARNOWITZ: The Fall Chinook don't go high up in the system; they tend to spawn in the lower, "easier" regions of the river. Stream Chinook go on up into the dam.

177 SEN. COHEN: Rule-making will help identify those small affected areas. We only wanted to use this as an example to show you what we expect to

take place.

190 LARRY TROSI, Oregon Farm Bureau: We have been a part of the working group, and have come up with some language which addresses some of the

concerns we had with the bill, which are incorporated in the -4 amendments.

196 ANDY ANDERSON, Executive Vice-President, Oregon Farm Bureau: We were concerned that farmers be able to continue to maintain diversions and

maintain the integrity of streambanks. We believe these amendments will accomplish that.

220 LADD HENDERSON, Santiam Water Control District: The -4 amendments cover our concerns about the maintenance of fish screening structures.

241 CHAIR BAUM: OPENS WORK SESSION ON SB 192 A-ENGROSSED

244 REP. NORRIS: Reads from letter from the Department of Justice distributed at the Water Subcommittee meeting, which states that "the

removal of 50 cubic yards of material does not require a permit from the Division of State Lands." However, they require State Land Board approval if on a scenic waterway.

254 CHAIR BAUM: There are also different categories of "scenic waterways."

264 MOTION: REP. JOSI: Moves the SB 192 A-ENGROSSED -4 AMENDMENTS (LC 1615), dated 6-23-93, as CONCEPTUALLY AMENDED ON LINE 14, with the

INSERTION after "HABITAT," of "EXCEPT FOR THOSE ACTIVITIES CUSTOMARILY ASSOCIATED WITH AGRICULTURE,"; and on PAGE 2, LINE 5, the INSERTION of "20" in the BLANK.

272 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

273 MOTION: REP. JOSI: Moves SB 192 A-ENGROSSED to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE SB 192 A-ENGROSSED -4 AMENDMENTS (LC 1615), dated 6-23-93.

276 CHAIR BAUM: Restates motion and calls for discussion.

277 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE.

290 CHAIR BAUM: The motion CARRIES.

294 FITCH: The fiscal impact on this measure was \$225,000. The status of that in terms of a subsequent referral is unclear to me.

299 SEN. COHEN: The Senate funded this in the DSL budget with one person and \$125,000 of lottery funds to manage the permit and

rule-making. The study was another \$125,000, which the Senate has made accommodations for in the lottery package.

327 CHAIR BAUM: I think we'll send this to the floor. The other option is a subsequent referral to Appropriations.

Asks witness Gary Gustafson of the Division of State Lands whether the program is already in the agency's budget.

336 GUSTAFSON: Yes, it is in the lottery package under SB 755, which has passed the Senate side. It's currently on the House side.

377 REP. LUKE: I'm concerned we're not sending this to Appropriations.

414 MOTION: REP. HOSTICKA: Moves for IMMEDIATE RECONSIDERATION OF THE VOTE on SB 192 A-ENGROSSED.

418 CHAIR BAUM: Restates motion and calls for discussion.

420 FITCH: Senate Bill 1007, the Forest Resource Trust, was also to be funded from lottery funds from SB 755. That bill did get a subsequent

referral to Appropriations.

428 SEN. COHEN: There are no accommodations in the Department of Fish and Wildlife's budget for this. The Division of State Lands can contract

for the services by inter-agency agreement.

447 REP. HOSTICKA: If the study isn't funded, there are still policy implications in this bill. Would we recommend the adoption of the

policy without the study?

450 SEN. COHEN: The mapping will be derived from information already secured by various agencies. The study is a separate research project.

TAPE 62, SIDE A

029 MOTION: REP. HOSTICKA: Moves SB 192 A-ENGROSSED to the floor with a DO PASS AS AMENDED RECOMMENDATION, as AMENDED by the SB 192

A-ENGROSSED -4 AMENDMENTS with a SUBSEQUENT REFERRAL to the APPROPRIATIONS COMMITTEE. IF the STUDY CANNOT be FUNDED, REFERENCES to the STUDY WILL BE DELETED from SB 192 A-ENGROSSED before it is REFERRED TO THE FLOOR.

032 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES. 035 MOTION: REP. HOSTICKA: Moves SB 192 A-ENGROSSED to the floor with a DO PASS AS AMENDED

RECOMMENDATION, AS AMENDED BY THE SB 192

A-ENGROSSED -4 AMENDMENTS (LC 1615), dated 6-23-93, with a
SUBSEQUENT REFERRAL to the APPROPRIATIONS COMMITTEE.

036 CHAIR BAUM: Restates motion and calls for discussion.

038 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE,
MARKHAM, NORRIS, PETERSON, VanLEUWEN and CHAIR BAUM vote AYE. REP.
REPINE is

EXCUSED.

046 CHAIR BAUM: The motion CARRIES.

Additions to the record: Proposed -4 Amendments to SB 192 A-Engrossed
(EXHIBIT L) SB 192 Staff Measure Summary, Fiscal Analysis,
Revenue Impact Analysis, Senate Amendments to SB 192, Senate Vote
Sheet, June 8,

1993 Testimony in favor of SB 192 (EXHIBIT M)

CLOSES WORK SESSION ON SB 192 A-ENGROSSED

OPENS WORK SESSION ON SB 1116 A-ENGROSSED

053 MOTION: REP. HOSTICKA: Moves that the RULES BE SUSPENDED to
allow REPS. DOMINY and MARKHAM to vote on SB 1116.

055 CHAIR BAUM: Restates motion and calls for discussion.
Hearing no objection, the motion CARRIES.

056 VOTE: REPS. DOMINY and MARKHAM vote AYE.

058 MOTION: REP. DOMINY: Moves that the RULES BE SUSPENDED to
allow REP. LUKE to vote on SB 1116.

059 CHAIR BAUM: Restates motion and calls for discussion.
Hearing no objection, the motion CARRIES.

060 VOTE: REP. LUKE votes AYE.

061 CHAIR BAUM: These votes will not affect the previous outcome
of the vote.

CLOSES WORK SESSION ON SB 1116 A-ENGROSSED

OPENS PUBLIC HEARING ON SB 867

066 VAN NATTA: Senate Bill 867 is at the request of the Oregon
Rural Electric Co-op Association. This bill passed the Senate with a 28
- 0

vote. Senate Bill 867 addresses how creditors of a member of a
cooperative benefit from the member's share of past cooperative profits.
087 SANDRA FLICKER, Oregon Rural Electric Cooperative Association:
Presents written testimony (EXHIBIT N) in support of SB 867.

094 HENRY C. LORENZEN, Umatilla Electric Cooperative Association:
Presents written testimony (EXHIBIT O) in support of SB 867.

170 REP. DELL: Would this also apply to agricultural co-ops?

172 LORENZEN: The marketing of the grain and a farmer's right to receive proceeds from the grain in no way relates to the equity credits.

196 REP. FISHER: A farmer never owes the Grain Growers Association.

205 JOHN McCULLEY, Agricultural Cooperative Council: Those amounts due would be involved in this bill as well. Technically, there is no

difference because they're both cooperatives.

224 REP. DELL: If I am an unsecured creditor, is this a fairness issue?

241 LORENZEN: It's isn't fair that creditors can enjoy the fruits of a member's past cooperative participation when a member can cause a

cooperative to lose money.

274 REP. LUKE: Couldn't you do this through your own by-laws?

276 LORENZEN: In one particular bankruptcy case, the by-law provisions provided for a security interest in equity credits. The bankruptcy

court said that wasn't enough, that it had to be filed in order to be enforceable.

292 GARY BAUER, Oregon Independent Telephone Association:
Testifies in favor of SB 867.

333 REP. LUKE: Does the bill allow you to not give members equity credit if they owe you money? Or does it allow you security interest in a

bankruptcy?

347 LORENZEN: This bill does not allow a co-op to keep the equity credits of a person who is in bankruptcy. It only allows them a security

interest in the equity credits to secure payment of a past-due bill.

For example, if equity credits total \$100,000, and the past-due bill is \$50, the security interest is only to the extent of the past-due bill,

and does not affect any other creditors' interest in those equity

credits that would come once the interest of the cooperative and its

past- due bill has been satisfied.

361 REP. DELL: What if they are \$100,000 in debt? The co-op can step in and immediately have a secured interest in the \$100,000, which they get to keep?

381 LORENZEN: If the debt is \$100,000 and there are \$100,000 in equity credits, that is correct. By-laws of many co-ops specify that no equity credits will be paid unless all bills owed to the cooperative have been paid. Before any of the equity credits would be available to any

general creditors, the co-op would be paid all past-due bills.

427 CHAIR BAUM: OPENS WORK SESSION ON SB 867 428 MOTION: REP. DOMINY: Moves SB 867 to the floor with a DO PASS RECOMMENDATION.

430 CHAIR BAUM: Restates motion and calls for discussion.

431 REP. DELL: I will be voting no on this bill. I'm supportive of the co-op concept, but I think that when you share the work and the equity, you also share the risk.

TAPE 61, SIDE A

034 CHAIR BAUM: This bill went through Senate Judiciary on its way to the floor.

035 VOTE: REPS. DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, PETERSON and CHAIR BAUM vote AYE. REP. DELL votes NO. REPS. NORRIS, REPINE

and VanLEEuwEN are EXCUSED.

043 CHAIR BAUM: The motion CARRIES. REP. HOSTICKA will lead discussion on the floor.

Additions to the record: SB 867 Staff Measure Summary, Fiscal Impact Assessment, Revenue

Impact Analysis, Senate Vote Sheet (EXHIBIT P)

060 CLOSES WORK SESSION ON HB 867

067 OPENS PUBLIC HEARING ON SB 1036 A-ENGROSSED

078 VAN NATTA: Senate Bill 1036 A-Engrossed is from the Senate with a 19 - 8 vote. There is no revenue impact, but it does have a fiscal impact,

which you may want review. This bill establishes fees on solid waste collection services that transport solid waste out of the state for disposal.

086 REP. LUKE: Is it the same fee to dump waste in Arlington as it is to dump out of state?

089 VAN NATTA: Yes. The fee is the same.

097 MIKE DEWEY, Oregon Waste Systems: Introduces next witness.

102 DOUG COENEN, Division President and General Manager, Oregon Waste Systems: Presents written testimony (EXHIBIT Q) in support of SB 103 6.

170 REP. LUKE: Will you address the collection of fees from those who dump solid waste in Oregon?

174 DEWEY: In Oregon, there is an out-of-state surcharge imposed under the state guidelines which has nothing to do with this legislation. The

surcharge is currently under litigation. When Seattle's waste comes into Oregon, they also pay the 85-cent and the 13-cent fee, so they are helping to subsidize this program. The Senate wanted to be assured there would be no lawsuits for these fees. The fee going out is the same as the fee going in. 195 REP. LUKE: Who filed the suit?

199 DEWEY: Oregon Waste Systems, another landfill in eastern Oregon, and two others.

209 REP. LUKE: Are these fees separate from the tipping fee?

210 DEWEY: Yes.

211 REP. LUKE: So garbage from outside of Oregon pays the tipping fee plus an additional fee?

212 DEWEY: Yes. The total is \$2.25. Eight-five cents of that is the DEQ tipping fee, and 35-cents is Orphan Site fee.

214 REP. LUKE: Where does the additional money go?

215 DEWEY: It goes to DEQ, primarily to regulate the flow of garbage to insure that the Seattle area has a certification program and recycling

that is similar to Oregon's.

224 REP. LUKE: Does DEQ have control over what Seattle does?

225 DEWEY: Yes, in the sense that landfills operated in Oregon cannot accept their waste unless it's been certified that it's equivalent in

terms of recycling programs.

In Washington, they have a front-end fee, and their programs are funded no matter where the waste goes. We think it's important that the waste

generator pay for these fees. Fees are attributable to industrial waste which goes to a landfill that accepts municipal solid waste. However,

if waste is taken to an industrial solid waste landfill, there are no fees.

The programs we're funding are recycling programs, education programs,

household hazardous waste programs, and grants to local governments. We need to maintain a base to fund these programs, or find a different mechanism.

309 KRISTIN MITCHELL, Oregon Sanitary Service Institute: Testifies in support of SB 1036 A-Engrossed. All generators of solid waste in Oregon benefit from these solid waste programs, regardless of where their waste is finally disposed.

330 REP. LUKE: Is the lawsuit referred to earlier retroactive?

335 DEWEY: We are collecting and holding the fees. DEQ is not collecting the fees under the present statutes.

341 REP. LUKE: Have they collected fees in the past?

342 DEWEY: Regarding the surcharge, they are not collecting on out-of-state waste. They are collecting the 85-cents and the 13-cents.

362 REP. FISHER: How much does the state subsidize the landfill process? Do they cover every expense? 384 DEWEY: We haven't discussed permit fees, but we pay substantial permit fees to regulate the operation of landfills. DEQ administers that

program to insure we're in compliance with our permits.

430 COENEN: Ninety-eight cents is not the cost for disposal. That's the fee DEQ applies on top of other fees.

443 REP. FISHER: Questions interstate landfill usage in Oregon and Washington.

450 COENEN: Many landfills are being closed down due to new regulations. Transportation systems have vastly improved. The world has gotten

smaller in terms of utilizing solid waste systems on a regional basis.

TAPE 62, SIDE B

040 DEWEY: The question is whether we should continue to fund these programs. Over time, if we continue to have these fairly expensive

programs, we need to insure that we generate money in Oregon, as opposed to having it leave the state.

056 JERRY YUDELSON, Roosevelt Regional Landfill: Testifies in opposition to SB 1036. Lists communities faced with potential landfill closure due to measure.

074 REP. LUKE: I'm not sure where you get your list. Deschutes County is ready to move on another landfill about ten miles out of town.

075 YUDELSON: As of tomorrow, Deschutes County is taking in proposals from companies to perform a solid waste management study for the three

counties. While there is a strong interest in the area you mentioned, that decision has not yet been made. In meetings I've attended, they're actively considering the out-of-state option on a cost basis.

The only landfill to benefit from this bill is Oregon Waste Systems. We're a family-run business, whereas they're part of an \$8,000,000,000 multi-national business. DEQ did not ask for this bill.

Previous testimony was self-serving. We don't think the bill has a public policy basis, and this committee should not be used as a forum for competitive battles between companies.

129 DIANA GODWIN, Regional Disposal Company: Testifies in opposition to SB 1036.

185 REP. LUKE: If Washington sends garbage to your landfill, they've already paid the fee upfront.

187 YUDELSON: For residential wastes, but not industrial wastes.

197 YUDELSON: The DEQ program is well-funded. Oregon is getting money from 700,000 tons of waste from Washington.

238 REP. NORRIS: Requests proof from witness regarding communities which will be adversely affected by bill.

239 YUDELSON: This issue has just come to the fore. We haven't made an all-out effort to inform people.

276 CHAIR BAUM: OPENS WORK SESSION ON SB 1036 A-ENGROSSED

280 BOB DANKO, Department of Environmental Quality: Testifies in support of SB 1036 A-Engrossed. We have leaned on the state of California because

their fee system encourages the export of hazardous wastes. For consistency, we should not have a fee which encourages the export of solid waste.

297 CHAIR BAUM: How would DEQ use the money from these fees?

300 DANKO: The money would go to the same programs that the existing solid waste disposal fees go to. If a substantial amount of waste left the

state without this bill, we would have a revenue loss.

341 MOTION: REP. HOSTICKA: Moves SB 1036 A-ENGROSSED to the floor with a DO PASS RECOMMENDATION.

345 CHAIR BAUM: Restates motion and calls for discussion.

348 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM,

NORRIS, PETERSON, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. FISHER votes NO.

REP. REPINE is EXCUSED.

357 CHAIR BAUM: The motion CARRIES. REP. LUKE will lead discussion on the floor.

Additions to the record: SB 1036 A-Engrossed Staff Measure Summary, Fiscal Analysis, Revenue

Impact Analysis, Senate Amendments to SB 1036, Senate Vote Sheet

(EXHIBIT R)

366 CLOSES WORK SESSION ON SB 1036 A-ENGROSSED

367 OPENS WORK SESSION ON SB 867

MOTION: REP. HOSTICKA: Moves to SUSPEND THE RULES to allow REP. NORRIS to vote on SB 867.

368 CHAIR BAUM: Restate motion and calls for discussion.

366 VOTE: REP. NORRIS votes AYE.

368 CHAIR BAUM: CLOSES WORK SESSION ON SB 867

Recesses meeting at 5:34 p.m., to reconvene at 6:15 p.m.

Submitted by:

Reviewed by:

Karen McCormac
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - Proposed -3 Amendments to SB 42 A-Engrossed - Staff - 1 page B - SB 42 Staff Measure Summary, Fiscal Impact Assessment, Revenue Impact Analysis, Senate Amendments to SB 42, Senate Vote Sheet - Staff - 6 pages C - SB 333 A-Engrossed Staff Measure Summary, Fiscal Analysis, Revenue Impact Analysis, Senate Amendments to SB 333, Senate Vote Sheet - Staff - 5 pages D - SB 1116 Testimony - George Richardson - 7 pages E - SB 1116 Testimony - Gerald Lundeen - 4 pages F - SB 1116 Staff Measure Summary, Fiscal Impact Assessment, Revenue Impact Analysis, Senate Amendments to SB 1116, Senate Vote Sheet - Staff - 4 pages G - SB 952 Testimony - Keith Burns - 2 pages H - SB 952 Testimony - Kay Juran - 2 pages I - SB 952 Staff Measure Summary, Fiscal Impact Assessment, Revenue Impact Analysis, Senate Vote Sheet - Staff - 3 pages J - SB 192 Testimony - Gary Gustafson - 5 pages K - SB 192 Testimony - Jill Zarnowitz - 1 page L - Proposed -4 Amendments to SB 192 A-Engrossed - Staff - 3 pages M - SB 192 A-Engrossed Staff Measure Summary, Fiscal Analysis, Revenue Impact Analysis, Senate Amendments to SB 192, Senate Vote Sheet, Testimony from June 8, 1993 - Staff - 14 pages N - SB 867 Testimony - Sandra Flicker - 1 page O -

SB 867 Testimony - Henry Lorenzen - 4 pages P - SB 867 Staff Measure Summary, Fiscal Impact Assessment, Revenue Impact Analysis, Senate Vote Sheet - Staff - 3 pages Q - SB 1036 Testimony - Douglas Coenen - 4 pages R - SB 1036 A-Engrossed Staff Measure Summary, Fiscal Analysis, Revenue Impact Analysis, Senate Amendments to SB 1036, Senate Vote Sheet - Staff - 6 pages

HOUSE COMMITTEE ON NATURAL RESOURCES

June 24, 1993 Hearing Room D 6:00 p.m. Tapes 63 - 66

MEMBERS PRESENT: Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair
Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep.
Dennis Luke Rep. Chuck Norris Rep. Nancy Peterson Rep. Bob Repine Rep.
Liz VanLeeuwen

MEMBER EXCUSED: Rep. Bill Markham

STAFF PRESENT: Kathryn Van Natta, Committee Administrator
Catherine Fitch, Committee Administrator Rick Gaupo, Committee Clerk

MEASURES CONSIDERED: Public Hearing & Work Session HB 1037-A
HB 3679 SB 97-A SB 246-A SB 953-A SB 1012 SJM14-A

Public Hearing SB 392-A

Work Session HB 2214 HB 2934

[--- Unable To Translate Graphic ---]

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. [--- Unable To Translate Graphic
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TAPE 63, SIDE A

005 Chair Baum calls the meeting to order at 6:22 p.m.

PUBLIC HEARING ON SJM14-A

Staff submits summary package (Exhibit A)

007 Rose Otte speaks for Rep. Timms and states that it is possible to
unite environmental integrity with ways to meet the region's growing
demand

for energy

WORK SESSION ON SJM14-A

038 Discussion of the bill > Rep. Luke asks about the effect of this
bill

060 MOTION: Rep. Norris moves SJM 14-A to the full committee with
a DO PASS recommendation

134 VOTE: In a roll call vote Reps. Dominy, Fisher, Josi, Luke,
Norris, Repine, and Chair Baum vote AYE, Reps. Dell, Hosticka, and
VanLeeuwen vote NO, and the motion CARRIES. Rep. Markham is excused

PUBLIC HEARING ON HB 1037-A

Staff submits summary package (Exhibit B)

Administrator Van Natta explains the bill to the full committee

175 Mike Dewey explains the intent of the bill

190 Dave Barrows testifies in support of the bill > Discusses licensing of hazardous waste and solid waste licenses > Answers members' questions 230 > Rep. Luke asks about fee scheduling 250 > Rep. Norris asks where in the bill the difference is outlined between hazardous waste and solid waste. Page 2, lines 7-9

WORK SESSION ON HB 1037-A

MOTION: Rep. Hosticka moves HB 1037-A to the floor with a DO PASS recommendation

VOTE: In a roll call vote all members present vote AYE and the motion CARRIES. Rep. Markham is excused

Rep. Dominy will carry the bill to the floor

WORK SESSION ON HB 2214

Staff submits summary package (Exhibit C)

320 Administrator Van Natta explains the bill to the full committee > This bill does not have subsequent referral

TAPE 64, SIDE A

006 Olivia Clark, Department of Environmental Quality, states that there is no referral because the budget is already approved

024 Administrator Van Natta explains the history of the various bills that were included in this bill and what portions have already passed the

Revenue Committee

050 Olivia Clark states that the -4 amendments should go directly to the floor and that the -3 amendments are redundant > Discussion centers around testing procedures, cost, time for testing

and limitation of the test > Rep. Norris asks about what tests are conducted > Rep. VanLeeuwen asks how many vehicles would be affected and the cost of the program. 500,000 vehicles a year at \$30-40 each 174 > Chair Baum asks about the location of the test. Any area that has potential for air quality to be affected 190 > Rep. Josi asks about the benefits of the bill > Jim Whitty, Associated Oregon Industries (AOI), answers how this

will affect new businesses. New businesses must buy the most

expensive equipment. AOI is in support of the bill 233 > Rep. Repine asks whether more stations will be added. There will be a total of eight > Rep. Repine asks about the effects this will have on the repair

shops. There is equipment that shops can buy 359 > Chair Baum asks how the revenue statement was arrived at. The numbers are an estimate based on predictions, but will be better

known after the pilot programs 450 > Rep. Fisher asks whether new cars would pass this test. Yes

TAPE 63, SIDE B

> Rep. Luke asks about the additional areas that will be covered by this bill. Perhaps Newberg, Saint Helens, and Scappoose > Rep. Peterson asks what role industry has in this bill. Industry is already included in the Clean Air Act

MOTION: Rep. Hosticka moves that the -4 amendments BE ADOPTED

VOTE: With Rep. Fisher objecting the motion CARRIES

MOTION: Rep. Hosticka moves HB 2214, as amended, to the floor with a DO PASS recommendation

Discussion: > Rep. Dell expresses her support > Chair Baum asks about Portland air quality definition. Roughly

equal to the urban growth area of the Metropolitan area 220 > Rep. Dominy expresses his non-support for the bill. Panel explains the various other emissions controls that are in the

bill > Rep. Hosticka tries to clarify that the boundary is flexible

VOTE: In a roll call vote Reps. Dell, Hosticka, Josi, Luke, and Peterson vote AYE, Reps. Dominy, Fisher, Norris, Repine, VanLeeuwen, and Chair Baum vote NO and the motion FAILS. Rep. Markham is excused

PUBLIC HEARING ON HB 3679

365 Administrator Fitch submits summary package and explains the bill to the full committee (Exhibit D)

TAPE 64, SIDE B

001 Reed Marvin, Water Resources Department, submits and summarizes prepared testimony. Explains the issues of HB 2110 and how that bill affects HB

3679 (Exhibit E)

WORK SESSION ON HB 3679

062 MOTION: Rep. Norris moves that the conceptual amendments eliminating section 1 and page 2 lines 9-11 BE ADOPTED

VOTE: Hearing no objection the motion CARRIES

PUBLIC HEARING ON SB 953-A

Staff submits summary package (Exhibit F)

104 Administrator Fitch explains the bill to the full committee >
Rep. Josi asks how long an average franchise is. Five to ten years

130 Rod Adams testifies in support of the bill

180 Susan Schneider testifies in support of the bill

WORK SESSION ON SB 953-A

MOTION: Rep. Hosticka moves SB 953-A to the floor with a DO PASS
recommendation

VOTE: In a roll call vote all members present vote AYE, and the
motion CARRIES. Reps. Markham and Peterson are excused

Rep. Repine will carry the bill to the floor

WORK SESSION ON HB 2934

227 Administrator Van Natta submits summary package and explains the
bill to the full committee (Exhibit G)

296 Rep. Fisher and Rep. Luke ask whether farm deferral can be an
accepted use of EFU parcels > Lee Kersten, Horse Council, and Greg
Wolf, DLCD, answer their

questions > Rep. Norris asks about the creation of new parcels

TAPE 65, SIDE A 015 > Administrator Van Natta clarifies Section 1,
explaining farm use and farm tax deferral

025 MOTION: Rep. Luke moves that the -2 amendments BE ADOPTED

VOTE: With Rep. Fisher objecting the motion CARRIES

MOTION: Rep. Josi moves HB 2934, as amended, to the floor with a DO
PASS recommendation

VOTE: In a roll call vote Reps. Dell, Dominy, Hosticka, Josi, Luke,

Norris, Repine, VanLeeuwen and Chair Baum vote AYE, Rep. Fisher votes NO
and the motion CARRIES. Rep. Markham and Peterson are excused

Rep. Hosticka will carry the bill to the floor

PUBLIC HEARING ON SB 1012

045 Administrator Van Natta submits summary package and explains the
bill to the full committee (Exhibit H) > Explains that she is unclear
what the -2 amendments accomplish

090 Kristen Mitchell, Oregon Sanitary Service Institute,
expresses her support for the -1 amendments over the -2 amendments
because the -2

amendments are more stringent than the federal RICRA

Rep. Repine asks Bob Danko of the Department of Environmental Quality about the -2 amendments, specifically about "heaping garbage"

Rep. VanLeeuwen asks how the -1 and -2 amendments affect landfills in the Linn county area

220 Rep. Norris asks about landfills in his county. The bill does not address the concerns of the closure of landfills on BLM land

WORK SESSION ON SB 1012

310 MOTION: Rep. Luke moves that the -1 amendments BE ADOPTED

VOTE: Hearing no objection the motion CARRIES. Reps. Markham and Peterson are excused

MOTION: Rep. Luke moves SB 1012, as amended, to the floor with a DO PASS recommendation

VOTE: In a roll call vote all members present vote AYE, and the motion CARRIES. Reps. Markham and Peterson are excused

PUBLIC HEARING ON SB 97-A

Staff submits summary package (Exhibit I) 330 Administrator Van Natta explains the bill to the full committee

TAPE 66, SIDE A

012 Rep. Hosticka asks whether expectations are clarified in this bill

Rep. Dell asks how this bill fared in the Senate

WORK SESSION ON SB 97-A

MOTION: Rep. Hosticka moves SB 97-A to the floor with a DO PASS recommendation

VOTE: In a roll call vote all members present vote AYE, and the motion CARRIES. Rep. Markham is excused

Rep. Dell will carry the bill to the floor

PUBLIC HEARING ON 246-A

Staff submits summary package (Exhibit J)

070 Administrator Van Natta explains the bill to the full committee

107 Walter Gowell, Oregon State Bar, and Kelly Ross, Oregon

Association of Realtors, testify in support of the bill > This bill removes procedure barriers to land-use policies

WORK SESSION ON 246-A

160 MOTION: Rep. Dell moves SB 246-A to the floor with a DO PASS recommendation

VOTE: In a roll call vote all members present vote AYE, and the motion CARRIES. Reps. Markham and Dell are excused

Rep. Dell will carry the bill to the floor

PUBLIC HEARING ON SB 392-A

Staff submits summary package (Exhibit K)

200 Administrator Van Natta explains the bill to the full committee

234 Chair Baum adjourns the meeting at 9:10 p.m.

Submitted by:

Reviewed by:

Rick Gaupo

Committee Administrator

Kathryn Van Natta Committee Clerk

EXHIBIT LOG:

A	-	SJM14-A, Staff, 3 pages	B	-	SB 1037-A, Staff, 8 pages
C	-	HB 2214, Staff, 18 pages	D	-	HB 3679, Staff, 1 pages
	-	HB 3679, Reed Marvin, 2 page	F	-	SB 953-A, Staff, 5
pages G	-	HB 2934, Staff, 17 pages	H	-	SB 1012, Staff, 11
pages I	-	SB 97-A, Staff, 4 pages	J	-	SB 246-A, Staff, 11
pages K	-	SB 392-A, Staff, 4 pages			