

SENATE COMMITTEE ON AGRICULTURE and NATURAL RESOURCES

DATE: March 10, 1993 TAPES: 68 - 69 PLACE: Hearing Room C TIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn, Vice-Chair Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker MEMBERS EXCUSED: Senator Gordon Smith Senator Dick Springer STAFF PRESENT: Peter Green, Administrator Chris Warner, Research Associate Kus Soumie, Clerk

MEASURES HEARD: SB 65 SB 190 SJR16 LC INTRODUCTION: LC2194 LC 3505 LC 3715 LC2828 LC 3540 LC 3776 LC3130 LC 3541 LC 3779 LC3349 LC 3565 LC3415 LC 3618

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 68, SIDE A

005 CHAIR CEASE: Calls the meeting to order at 8:00 a.m.

INTRODUCTION OF LC'S

CHAIR CEASE: LC 3415 deals with the Energy Siting Council.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3415. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED. Sonate Agriculture and Natural Rosourcos March 10, 1993 Pago 2

CHAIR CEASE: LC 3565 extends for two yearS the underground storage tank financial assistance program.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3565. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR CEASE: LC 3776 establishes a statewide used oil recycling/recovery goal.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3776. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR CEASE: LC 2094 establishes forest resource trust for reforestation of private nonindustrial forest land.

MOTION: CHAIR CEASE: Moves the committee introduce LC 2094. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED,.

CHAIR CEASE: LC 3349 revises financial assurance requirements for the solid waste disposal sites to conform with federal requirements.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3349. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR CEASE: LC 3618 imposes fee on manufacturers of metal, glass and plastic containers.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3618. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR CEASE: LC 3541 requires Environmental Quality Commission to enter into memorandum of understanding authorizing State Department of Agriculture to operate program to prevent and control water pollution from confined intimate feeding operation.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3541. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

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. Senate Agriculturo and Natural Rssourcos March 10, 1993 Page 3

CHAIR CEASE: LC 3540 allows the Department of Agriculture to develop water quality management plans to require land owners to take action necessary to carry out the plan. - This "relating clause" needs to be tightened.

CHAIR CEASE: LC 2828 converts the Oil Heat Commission to a public corporation.

MOTION: CHAIR CEASE: Moves the committee introduce LC 2828. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR CEASE: LC 3779 prohibits taxes or fees on petroleum contaminated soil received at transfer, disposal or recovery facility owned or leased by metropolitan service district.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3779. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR CEASE: LC 3130 exempts certain packages from requirement to use minimum content of recyclable or reusable plastic.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3130. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

080 CHAIR CEASE: LC 3715 clarifies manufacturers must comply with recent content requirement for rigid plastic containers. MOTION: CHAIR CEASE: Moves the committee introduce LC 3715. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED. CHAIR CEASE: LC 3505 makes state mining recordation requirements parallel to federal mining requirements. MOTION: CHAIR

CEASE: Moves the committee introduce LC 3505. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED. CHAIR CEASE: Opens the public hearing on SB 65. . 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. Senate Agriculturs and Natural Resourcas March 10, 1993 Paga 4

PUBLIC HEARING ON SB 65 - No Exhibits were submitted

WITNESSES: Don Hull, DOGAMI

CHAIR CEASE: Notes the intent of the bill. - Various parties have been seeking to resolve issues raised at the last hearing. 105 DON HULL: (introduces discussion on EXHIBIT A) Offers testimony on proposed "-1" amendments to SB 65. 128 SEN. BUNN: Do we have mine shafts that are abandoned and unsafe but have historical value?

HULL: There are a few such facilities. - It is our intent to address that potential safety hazard without destroying any historic values.

142 SEN. BUNN: I hope the bill does not require us to fill in, seal off and destroy the historic value of such mines.

CHAIR CEASE: (To Mr. Hull) Would you review that and provide the committee with a response?

150 HULL: I don't know if we have the ability to provide a credible comprehensive inventory.

CHAIR CEASE: If we were assured your intent was to not destroy the historical value of these properties, that might be sufficient.

167 HULL: It is clearly not our intent to destroy any historical values. - The Governor's budget package does contemplate some anadromous fish re-spawning grounds with gravels from historic placer mining. 182 - Continues testimony on SB 65 and overview of EXHIBIT A.

SEN. COHEN: I believe this language satisfies Senator Smith's and my concerns.

WORK SESSION ON SB 65

MOTION: SEN. COHEN: Moves to ADOPT the SB 65-1 amendments dated 3-9-93.

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. Senate Agriculturo and Natural Resources March 10, 1993 Pago 5

VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. SENATORS SMITH and SPRINGER are EXCUSED.

225 MOTION: SEN. BUNN: Moves that SB 65 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR DWYER: The motion CARRIES. SEN. BUNN will lead discussion on the Floor.

INTRODUCTION OF LC 3540

CHAIR CEASE: LC 3540 allows the State Department of Agriculture to develop water quality management plans and to require landowners to take actions necessary to carry out the plan.

MOTION: CHAIR CEASE: Moves the committee introduce LC 3540. VOTE: CHAIR CEASE: Hearing no objection the motion CARRIES. SENATORS SMITH and SPRINGER are EXCUSED.

CHAIR CEASE: SB 392 and SB 448 will not be heard today. - Opens public hearing on SB 190.

PUBLIC HEARING ON SB 190

WITNESSES: Richard Angstrom, Oregon Aggregate and Concrete Association
Jeanette Holman, Legislative Counsel

264 ADMIN. GREEN: Offers testimony on SB 190. - The "-2" amendments reflect changes requested by the committee. - (introduces EXHIBIT C) Proposed OCAPA amendments are to the "-2" amendments. 292 - Provides section by section analysis of SB 190-2 amendments.

320 SEN. BUNN: Is there a problem with including the OCAPA amendment language?

CHAIR CEASE: This relates only to the reclamation of mining lands and wouldn't apply to OCAPA.

SEN. COHEN: What is the practical effect of the OCAPA amendments?

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. Senate Agriculture and Natural Resources March 10, 1993 Peoa ~

HULL: It would be my understanding that "non aggregate mining operations," would indicate application to metal and coal mining, not sand, gravel and crushed stone mining or chemical process gold mining.

CHAIR CEASE: Would this language impact other statutes relative to aggregate extraction?

SEN. COHEN: I don't object to the last paragraph of the OCAPA amendments, but I believe it ought to fit into another bill.

391 RICHARD ANGSTROM: Offers testimony on SB 190 and the OCAPA proposed amendments. - Feels there needs to be a premium reclamation program.

SEN. COHEN: What would that mean for the gold mining people?

HULL: The 1992 Gold Mining Law in SB 2244 already has a premium program in that it allows mitigation. - This amendment would allow reclamation beyond the current statutory standards on a voluntary basis for mines other than gold mines. - Suggests the first paragraph recommended in the OCAPA amendments may be better placed in ORS 517.905. - Suggests the voluntary reclamation rulemaking should apply to all miners.

TAPE 69, SIDE A

023 SEN. SHOEMAKER: It seems unfortunate to exempt aggregate mining from a state protection policy and then declare it is not intended those resources be protected from the aggregate industry. - Maybe we should specify what type of mining this pertains to rather than exempting an industry.

050 JEANETTE HOLMAN: Offers testimony on SB 190, and answers questions regarding bill language. - ORS 517.760 through ORS 517.951 do apply to aggregate mining.

065 SEN. SHOEMAKER: What does a voluntary reclamation requirement connote? - "Voluntary" and "requirement" do not combine well.

077 SEN. BUNN: If it is offensive to exclude one rather than list those included, I think we should develop new language to accomplish the intent.

085 SEN. KINTIGH: The word "practices" rather than "requirements" may help.

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. , Senate Agriculture and Natural Resources March 10, 1993 Page 7

SEN. BUNN: On the hand-engrossed SB 190-2, lines 31 and following, should we add exemptions for sites of historic value?

097 CHAIR CEASE: Lists the items to be changed or reviewed further.

ANGSTROM: Explains the reason for using "conserve" rather than "protect" as they relate to Goal 5. - "Protect" involves a non-degradation standard, and you cannot mine without degrading.

120 SEN. SHOEMAKER: Requests staff advise him as to what laws do apply to aggregate mining with respect to conserving or balancing the environment.

CHAIR CEASE: Closes the public hearing on SB 190. - (To Ms. Holman) Is it too late for the committee to change the "relating to" clause on LC 3540?

137 HOLMAN: Legislative Counsel cannot redraft the bill, but the Senate may accept minor handwritten changes on a copy. CHAIR CEASE: Requests staff inquire with the President's office to determine if this can be done. - Opens the public hearing on SJR16.

PUBLIC HEARING ON SJR16

WITNESSES: Linda de France, Senator Trow's office Pam Wald, Corvallis Disposal Company and Albany/Lebanon Sanitation

LINDA de FRANCE: Offers testimony in support of SJR16 on behalf of Senator Trow.

174 CHRIS WARNER: Offers staff analysis of SJR16, the "Bill of Rights for Future Generations."

200 PAM WALD: Offers testimony in support of SJR16, and presents overview of EXHIBIT B. - Notes her work with students on recycling and waste reduction. - The intent of the bill is to alert children that adults support their environmental efforts and concerns. - Papua New Guinea is the only country in the world with a bill of rights for future generations in their constitution.

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. Senate Agriculture and Natural Resources March 10, 1993 Page 8

267 SEN. SMITH: Lists three items that trouble him: reference to over-population, stating the Bill of Rights is no longer sufficient, and reference to the evolution of mankind.

299 CHRIS WARNER: Notes the actual language of the "Bill of Rights" is printed on the back of EXHIBIT B.

311 WALD: The petition does not espouse a particular philosophy or indicate a particular direction we must go to solve environmental problems.

331 SEN. BUNN: I do not intend to support the resolution, but would like to have the actual language of the "Bill of Rights" included in the resolution.

CHAIR CEASE: We will draft an amendment for everyone's review.

368 SEN. SHOEMAKER: I believe those who feel as Senators Bunn and Smith should be able to make a statement of principle with polite dissent on the floor.

SEN. BUNN: I have no desire to debate this; however, I wish the public to know why I am not in support.

409 CHAIR CEASE: Closes the public hearing on SJR16.

WARNER: The change to LC 3540 was permitted under the Senate Rules.

CHAIR CEASE: We will add the word "agriculture" in the "relating to" clause before the words "water quality management plans."

435 CHAIR CEASE: Adjourns the meeting at 9:00 a.m.

Transcribed by: Reviewed by:

Pamella Andersen Peter Green Assistant Administrator

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. Senate Agriculture and Natural Resources March 10, 1993 Page 9

EXHIBIT LOG:

A Information Packet- Committee Staff - ? pages B Article: Petition: Save Planet for Those to Come - Pam Wald - 3 pages C Proposed OCAPA Amendments- Staff - 1 page D Petition for Rights of Future Generations - Pam Waid - 3 pages

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.