

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.

HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY

March 01, 1991Hearing Room E 1:00 p.m.Tapes 61 - 62

MEMBERS PRESENT:Rep. Parkinson, Chair Rep. Whitty, Vice-Chair Rep. Burton Rep. Courtney Rep. Naito Rep. Norris Rep. Repine Rep. Van Leeuwen Rep. Watt

STAFF PRESENT: Kathryn VanNatta, Committee Administrator Andy Sloop, Committee Assistant

MEASURES CONSIDERED: HB 2246 (PAW)

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TAPE 61, SIDE A

005 CHAIR PARKINSON: Calls the meeting to order at 1:05 p.m.

(Tape 61, Side A) HB 2246 - PUBLIC HEARING Witnesses: Steve Little, Department of Revenue. Bob Danko, Department of Environmental Quality. Leonard Hill, Department of Veteran's Affairs. Kathy Macneill, Department of Veteran's Affairs. Mark Hope, Waste Recovery, Inc.

15REP. WATT: Welcomes visiting constituents.

24REP. BURTON: Reports on work group findings. (EXHIBIT A)

115 >Asks Rep. Van Leeuwen if she has additional amendments.

160 REP. BURTON: Goes through hand-engrossed bill. (EXHIBIT B AND C)

210 >Asks Department of Revenue to explain DEQ access to DOR records.

220 STEVE LITTLE, DEPARTMENT OF REVENUE: Explains record keeping procedure.

240 REP. WHITTY: Concerned about scope of access to DOR records that would be allowed under HB 2246. The measure doesn't specify that only

DEQ waste-tire personnel shall have access to DOR information.

253 STEVE LITTLE: Language does specify pertinent statutes, but doesn't limit DEQ access.

265 CHAIR PARKINSON: Under other law, does the DOR furnish tax returns or information from them to the DEQ?

268 STEVE LITTLE: I don't believe DEQ has any other access to DOR records at this time.

316 REP. BURTON: We originally had language saying people "actively" dealing tires. That wasn't legally definable and defensible. How does the DEQ enforce this? One way is to check if people are "actively" selling tires based on their tax returns. This does allow anybody in the DEQ access to DOR records, but only for the purposes of verifying tire sales activity.

340 REP. VANLEEUEWEN: Are you concerned that a dealer will be storing many used tires?

345 REP. BURTON: No. Concerned is that the person is in fact a dealer. If your legitimately a dealer and your storing 1,500 tires you're not regulated.

390 STEVE LITTLE: Notes dash 4 amendments (EXHIBIT C) limit access to DOR records (page 5e, lines 43 qqqqq through 43 ttttt (EXHIBIT B)). DOR doesn't have problem allowing access for this purpose.

TAPE 62, SIDE A

018 CHAIR PARKINSON: Could code assigned to retailers be used for this purpose?

24STEVE LITTLE: Those codes are not specific enough for the purposes of this bill.

28REP. REPINE: It seems we've come a long way without access to this information and we may be making much ado about nothing.

43REP. BURTON: This section was added by DEQ. There are a large number of unauthorized tire piles that are a significant problem. This is one method for discovering unauthorized tire piles. This seems like it could be an effective method for identifying waste-tire problems. Also, this program is not fading out. Clean up and enforcement will continue.

67BOB DANKO, DEQ: It's difficult for the DEQ to prove someone is not a tire dealer. Access to DOR records would provide the proof needed for effective enforcement.

76CHAIR PARKINSON: Currently, who has the burden of proving that someone is a legitimate tire dealer?

82BOB DANKO: DEQ. We're not going to make a claim on a hunch. We need the facts.

89CHAIR PARKINSON: Currently, what is the first step in your enforcement mechanism?

96BOB DANKO: The first step before informal enforcement is voluntary

compliance. The first actual step is what we call a notice of violation.

103 REP. VANLEEUEWEN: Section 5 requires every retail dealer to keep detailed records. DEQ surely has the authority to look at dealers' records, so why does it need access to DOR records?

128 REP. BURTON: Those records are in the possession of the DOR. Would be going a step further for DEQ to inspect business records on site rather than through the DOR. I assume the attorney general's advice to the DEQ is that they can't go into businesses and look at records.

132 REP. NAITO: What is the penalty for operating without a dealer's license?

136 BOB DANKO: Our director has civil penalty authority. The extent of our penalties is \$500 a day maximum.

144 BOB DANKO: Don't believe we have the authority to look at someone's financial records.

156 REP. BURTON: Continues explanation of amendments from hand-engrossed bill.

373 CHAIR PARKINSON: This bill needs minor changes. The committee won't pass it today. Calls for other testimony.

393 LEONARD HILL, DEPARTMENT OF VETERAN'S AFFAIRS: Proposes amendments. (EXHIBIT D)

TAPE 61, SIDE B

20CHAIR PARKINSON: What does the Department of Veterans' Affairs do that requires waste- tire removal?

24LEONARD HILL: We dispatch field men to inventory personal property. If they find waste tires, ODVA hires a contractor to remove those tires we inventoried. Finally, we ask them to submit receipts to us so we know that the tires have been properly disposed of.

40CHAIR PARKINSON: Did the work group address ODVA's concerns?

42REP. BURTON: The issue was raised in the full committee at one point. We removed the question because we didn't think it was an issue.

48KATHY MACNEILL, DEPARTMENT OF VETERAN'S AFFAIRS: When we received the proposed bill, our representative called the DEQ and requested a proposed amendment. That amendment was proposed. We thought this was going through, but the next thing we found out was that the subcommittee had already met and decided to delete it.

57 CHAIR PARKINSON: Calls for one more work group meeting to address Veteran's issue.

68MARK HOPE, WASTE RECOVERY, INC.: I would like to commend Rep. Burton for

working diligently on some compromises for the bill that we could all agree on. Questions if bill adequately addresses out-of-state users. The waste-tire recovery system lacks a check at source collection points

to determine where tires come from. Because the reimbursement component of the program is winding down, this gap is not a major concern. Requests that DEQ's solid-waste hierarchy include key words such as "source separated" or "process source separated", and that it acknowledge recycling efforts that yield material having positive market value.

123 CHAIR PARKINSON: Asks Hope to consult with DEQ and Rep. Burton about concerns. "I'm convinced this is a very good program that has to continue...I have been concerned right along...about the funding."

160 REP. NORRIS: Would this make it illegal for someone to hang a tire from a rope and tree?

165 BOB DANKO: No.

166 CHAIR PARKINSON: Suggests that the sunset on the \$1-per-tire fee be removed, and, starting in 1993, that revenue from the fee, after accounting for dealers' and DEQ expenses to continue clean up and enforcement, go to state parks to compensate that department for lost gas-taxes revenue.

187 REP. NAITO: Suggests continuing the fee and using revenue, after accounting for dealers' and DEQ expenses to continue clean up and enforcement, for rural transit. The tie into mass transportation would facilitate transit between some of the smaller cities in the state.

199 REP. REPINE: Last session I recall we passed a "sin tax" to provide money for small vans for a purpose like Rep. Naito is suggesting. The 2001 Program established at that time has not been successful. I understand what you're saying about the Parks Department, but they have said they want to raise money from soda pop bottles. I would support Rep. Naito's concept.

226 REP. NORRIS: I'd like that money for fish screens.

228 REP. WHITTY: Supports Rep. Parkinson's suggestion.

238 REP. COURTNEY: If your idea carries here, where would the bill go, the floor or Ways and Means?

240 CHAIR PARKINSON: The bill would go to Ways and Means first.

247 REP. BURTON: What you have is an amendment that is of substantive nature. It would not be subject to change by Ways and Means. Cautions the committee to preserve funding for waste-tire enforcement and clean up.

261 REP. COURTNEY: I hope that we don't drop your proposal at this time.

272 REP. REPINE: Supports concept of committing waste-tire fee revenue to another program, but has questions about where dollars should go.

283 REP. VANLEEUEWEN: That fee was designed to take care of a problem, which it has. I have a problem tacking state parks onto a program that tire dealers thought was going to end in a short period of time.

294 CHAIR PARKINSON: I have not talked to Mr. Talbot (of the Parks Department) or to the tire dealers. I wanted to get this idea out into

public for discussion. I don't want to proceed if there isn't committee support.

308 REP. REPINE: Looking at the appetite of what the Parks Department wants, and based on their soda pop proposal, this would be a pebble in a lake. If you think about the \$4 million that this has raised annually in the past, this would have a significant impact on transportation.

313 REP. BURTON: Proposes amendment to continue fee indefinitely and waste-tire funding until 1993. Revenue collected after that time could be used for other purposes, leaving open language. The ideas floated here have merit. I could bring that language back to the committee and we could do our lobbying in the meantime.

337 REP. COURTNEY: If this were dedicated only to parks maintenance, this would have a significant impact.

344 REP. WHITTY: Having served three sessions on transportation, where all parks bills go, I'd like to say we're getting to the point with fees where families are going to be hard pressed to use parks. We've got to think about the fact that we're pricing some people out of using our parks. As small as this is, it would be very helpful.

374 REP. BURTON: We'll also look at language that would restrict access to DOR records more.

381 CHAIR PARKINSON: Closes work session. Asks Rep. Watt for HB 2641 work group update.

385 REP. WATT: Gives update (EXHIBIT F).

TAPE 62, SIDE B

05REP. WATT: Continues with discussion on drug-lab clean-up.

>Need to keep an eye on the big picture.

>Sensitive issue.

>Stiffer penalties could deter drug manufacturers from coming to Oregon.

>Realtors and renters are concerned about the Health Division virtually condemning property that has been used for illegal drug manufacturing.

>The State can't accept all responsibility for this problem.

36CHAIR PARKINSON: Adjourns at 2:29 p.m.

Submitted by:

Reviewed by:

Apryl Poff
Assistant

Committee Administrator

Kathryn VanNatta Committee

EXHIBIT LOG A - Waste tire work group update submitted by staff, 2 pages. B - Hand Engrossed HB 2246 submitted by staff, 14 pages. C -

Proposed amendments to HB 2246 submitted by DEQ, 10 pages. D - Written testimony submitted by Leonard Hill, 2 pages. E - Analysis of HB 2246 and amendments submitted by Deanna Mueller-Crispin, 4 pages. F - Summary of drug lab clean up submitted by staff, 4 pages.