

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

May 3, 1991Hearing Room E 2:00 p.m.Tapes 149 - 150

MEMBERS PRESENT:Rep. Parkinson, Chair Rep. Whitty, Vice-Chair (arrived 2:20) Rep. Burton Rep. Courtney Rep. Naito Rep. Norris Rep. Repine Rep. Van Leeuwen Rep. Watt

VISITING MEMBERRep. Schoon

PRESENT: Kathryn VanNatta, Committee Administrator Evie Redler, Committee Assistant

MEASURES CONSIDERED: HB 2246 (RECONSIDERATION AND WRK) HB 3570 (WRK) HB 3431 (PUB) HB 3026 (PUB) HB 3282 (PUB) HB 3384 (PUB) HB 3351 (PUB) HB 3339 (PUB) HB 2575 (PUB) HB 3337 (PUB) HB 3391 (PUB) HB 3387 (PUB) HB 3376 (PUB) HJM20 (PUB) HB 3325 (PUB)

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TAPE 149, SIDE A

06CHAIR PARKINSON: Calls the meeting to order at 2:15 p.m. Representative Whitty not present and excused.

006 Public Hearing on HB 3026

REP. SCHOON: Gives testimony in favor of HB 3026. Wanted to solve the litter problem. This led to thoughts on recycling. The most important issue facing recycling is the difficulty of finding collection facilities to take the recyclable materials to. -We should be making products out of recycled materials here in Oregon. -Refers to SB 66 and it's similarity to HB 3026.

REP. NORRIS: Why should we stick the bill with the owner/operators of disposal sites.

REP. SCHOON: We're not sticking the bill with the disposal sights, we are trying to give it to all the consumers. It's up to the operators to get the money from the consumers. We need to help people help

themselves.

REP. NORRIS: The fees that the operators can charge are set by city franchise. Should we have extended this to include operator fees?

REP. SCHOON: Yes.

Reconsideration and Work session on HB 2246 - Committee submits dash 15 amendments (EXHIBIT A)

CHAIR PARKINSON: We have discovered a constitutional problem with HB 2246 and it is our intent to bring the bill back and fix it.

MOTION: REP. WHITTY moves to reconsider the vote by which HB 2246 was sent to Ways and Means.

VOTE: Hearing no objections CHAIR PARKINSON so moves.

JEANNETTE HOLMAN, Legislative Counsel: The problem with the bill was that it had an emergency clause. The fee in this bill is a tax and would need to be subject to referendum. Thereby it could not sunset on June 30, as stated in the bill earlier. The rest of the bill should remain the same. The only substantive effect of the dash 15 amendments (EXHIBIT A) IS THAT the regulatory provisions of the bill won't go into effect until 90 days after the end of session.

REP. BURTON: No need to apologize. This was a very complex bill.

CHAIR PARKINSON: The committee should have been able to catch the problem earlier.

MOTION: REP. WHITTY moves the dash 15 amendments (EXHIBIT A) (LC 621) dated 5/3/91 to the HB 2246.

VOTE: Hearing no objections, CHAIR PARKINSON so moves.

MOTION: REP. WHITTY moves HB 2246 to Ways and Means as amended with a do pass recommendation.

REP. WATT: Could Ways and Means take that sunset off again?

CHAIR PARKINSON: Yes, but there is no reason for that.

REP. NORRIS: Discussion on acquiring records for the purposes of determining whether a person is actually a dealer.

VOTE: In a roll call vote, the motion carries, with Rep. Courtney voting nay.

Public Hearing on HB 3384

REP. ROD JOHNSON: Explains the purpose of the bill. Private property rights are being taken away. Property owners should be compensated when deprived use of this land. Suggests conceptional amendments to reduce

the scope of this bill.

214 CHAIR PARKINSON: Make sure that there is support of the committee before bringing this back.

REP. NAITO: Give us an idea on status and requirements before bringing this back as well.

Public hearing on HB 3391

REP. ROD JOHNSON: This bill is an attempt to get control of DEQ. It's fees would then be sent to the general fund. Use this bill as a vehicle, get it back under control of the legislature.

Public Hearing on HB 3387

277 REP. ROD JOHNSON: Explains the bill and gives testimony in favor of HB 338 7. This bill says that if DEQ tells you when you buy property that you can put in a septic system, you have to be allowed to put a septic system in without DEQ changing their mind for a minimum of two years. After two years the rules can be changed.

CHAIR PARKINSON: Have you spoken with DEQ?

REP. ROD JOHNSON: No, I have not spoken with them, nor have they contacted me.

CHAIR PARKINSON: Talk with DEQ to pursue this bill.

Work Session on HB 3570

BILL MOSHOFSKY, Oregonians in Action: Gives committee proposed amendments to HB 357 0. (EXHIBIT B)

338 KATHRYN VAN NATTA, Committee Administrator: Submits dash 3 amendments (EXHIBIT C) given by the committee staff.

361 SUE HANNA, Legislative Counsel: Discusses the Dash 3 amendments given to the committee.

455 CHAIR PARKINSON: This would give the people 7 years to prove that they could meet the income test? Why couldn't we say "shall not be subject to this section until they apply for a building permit or the use of the land has changed" something like that in the bill.

HANNA: You would put the land in a different category. I would want to deal with that subject differently.

Tape 150, Side A

SCHOON: Is there anything to prohibit exclusive farm use designation or zoning within secondary lands?

HANNA: Not sure how that was structured in the bill.

SCHOON: Will they zone exclusively for farming?

HANNA: What would be the effect of the designation in that instance?

SCHOON: To permit lower classifications of zoning.

HANNA: There is quite a bit of law on this issue. The rollback is 10 years if land is disqualified from exclusive farm use. If disqualified from un-zoned farm land you only get five years of back taxes.

REP. VAN LEEUWEN: We're not dealing with forestry land at all. Is there no income test on forestry land?

476 HANNA: That is structured entirely differently and should not be confused with this.

REP. BURTON: The automatic assessment would be lost?

HANNA: Once a parcel is zoned for secondary uses, it no longer automatically qualifies for special assessment.

476 CHAIR PARKINSON: If someone has a suggestion on how to handle this situation, please give any information to the committee.

Public Hearing on HB 3376

476 REP. SHIBLEY: Discusses reasons for introducing the bill. This bill would mirror an ordinance put in place in Portland. This bill would allow for other types of food containers. The market is actually following what is proposed in the bill but the bill lets people know the rules.

REP. WATT: Is there an exception if the vendor has a recycling program?

REP. SHIBLEY: Yes. Food however cannot be packaged in products made from recycled materials. Recycled materials covered in this bill could be used for non-food products.

REP. WATT: Doesn't understand the exception of recycling.

REP. SHIBLEY: Unless the company has a recycling program used on the premises, this bill would affect them.

Public Hearing on HJM20

Staff submits a fiscal impact statement (EXHIBIT H)

REP. SHIBLEY: Rep. Pickard wanted to be here but had a prior engagement. This bill is very similar to SJM20. The energy crisis needs to be solved by the Congress. Oregon is just one state. This bill urges necessary federal attention.

Work Session on HB 3570

221 BRIAN GREGOR, Oregon Department of Transportation: Submits written testimony (EXHIBIT E). Summarizes testimony that suggests amendments to the bill.

302 THOR BERG, citizen: Submits written testimony (EXHIBITS D AND F) in opposition to the bill. Offers suggestions for amendments.

363 CHAIR PARKINSON: Discusses the make-up of the technical advisory panel. Why should we not include other special interest groups?

BERG: We're trying to decide what the bulk of the land is in Oregon, which is mostly agricultural, so we should weight the panel with that in mind.

388 LOIS KENAGY, Agriculture for Oregon: Submits and reads written testimony (EXHIBIT G) in opposition to HB 3570.

Tape 149, Side B

030 KENAGY: Continues testimony on HB 3570.

067 CHAIR PARKINSON: You are talking about a twenty acre minimum on new divisions?

070 KENAGY: Yes. Continues testimony on HB 3570.

CHAIR PARKINSON: Suggests that after all these proposed amendments (EXHIBIT G) she may like the bill.

095 KENAGY: Yes.

116 LARRY TROSI, Oregon Farm Bureau: Proposes amendments aimed at giving the people living in an urban growth area a boundary.

137 DAVE VANASCHE, Washington County Farm Bureau: Submits and reads a portion of testimony in favor of HB 3570 (EXHIBIT I).

177 KEN BUELT, Washington County Farmer: Very little secondary lands west of the Cascades due to abundant rainfall. Perhaps we should divide the state into regions. There seems to be plenty of land in Washington County for building. Who should decide which lands are secondary? We need some protection or a zone for farming. Property rights need to be equal. Comments on compensation. Where would it start and stop?

237 BUELT: The main thing that agriculture needs in this state is a zone. Traffic becomes a problem with agricultural vehicles on the road. We are responsible for any problems that may arise, ie: dust clouds, slow moving vehicles, etc.

267 REP. NORRIS: "If you buy a house at the end of a runway, don't expect them to move the airport."

REP. NAITO: Speak to the non-land owner areas.

274 VANASCHE: We end up defending ourselves against others accusations by hiring lawyers, and end up broke.

BUELT: When people buy land for non-agricultural uses, they have a

problem with the neighbor's farming procedures.

Public Hearing On HB 3351

311 KATHRYN VAN NATTA, Committee Administrator: Explains the bill.

Public Hearing on HB 3339

324 KATHRYN VAN NATTA, Committee Administrator: Explains the bill.

Public Hearing on HB 2575

336 LINDA LYNCH, City of Eugene: Allows non-elected officials to be appointed to the regional authority. Cities with more than 25,000 can appoint a member at large from the city they represent.

Public Hearing on HB 3282

REP. NAITO: Provides a brief overview of the bill. Electromagnetic radiation is produced by power lines carrying electricity. Studies suggest medical problems with this radiation. We should limit exposure as a proactive approach while we are still studying it.

429 REP. WHITTY: Have you read about stray voltage and the affects on the animals. Tells story on the effects of electromagnetic radiation on milk cows where the cows died due to the affects of the voltage.

Tape 150, Side B

030 SCOTT BARTLETT, Rep. Dwyer Staff: Submits testimony (EXHIBIT J) and submits possible amendments to SB 891 which is a very similar bill (EXHIBIT K).

Public Hearing on 3431

062 KATHRYN VAN NATTA, Committee Administrator: Explains the bill and submits fiscal statement (EXHIBIT N) and revenue statement (EXHIBIT O).

070 REP. STEIN: Discusses reasons behind the bill. Many chemicals found in everyday packaging. We want to prevent toxins from have potential hazards to people in the states. Explains where some chemicals are found. We are looking for a source-reduction legislation.

JOEL ARIO, OSPIRG: Testifies in favor of the bill. This bill is targeted towards four heavy metals in packaging. Eventually prohibiting the intention inclusion of them in packaging.

121 CHAIR PARKINSON: Do you know for a fact if Oregon bread is being put into packaging containing heavy metals?

QUINCY SUGARMAN, OSPIRG: Submits written testimony (EXHIBIT L). Explains that in the exhibit there is an article addressing bread wrappers in the US.

135 CHAIR PARKINSON: Specifically in Oregon, what are the metals used in wine bottles.

138 SUGARMAN: Lead is being used on the wrappers on some wine bottles.

ARIO: The difficulty we face is that there are no obligations to disclose the use of these metals. Lists industry groups that are following this trend of disclosing that information.

176 REP. NORRIS: Is this something that is done on a national scale?

181 ARIO: Yes, there is an effort to do this on the national level.

REP. NORRIS: You mentioned Consumer Reports, are there any other scientific articles in the magazine?

SUGARMAN: The magazine cited a study from Rutgers University.

REP. NORRIS: How are Oregon distributors going to know how many parts per million are in the packaging?

ARIO: The burden is on the manufacturer, not the distributor. The manufacturer has to relay information to the distributor.

220 SCOTT ASHCOM, Ted Hughes and Associates: Testifies in opposition to the bill. Submits proposed amendments (EXHIBIT M). Glass could be an used as an alternative.

272 CHAIR PARKINSON: Give us an example of glass enameled pigment on a container.

ASHCOM: The printing on a pop bottle would be an example of that.

Public Hearing on HB 3325

280 REP. DENNY JONES: Explains reasons for sponsoring HB 3325. The purpose behind the bill is to remove gasoline and diesel from the hazardous list to help farmers with gas tanks on their land. -Stove oil is not considered a hazardous substance, it's made out of the same material as diesel. It is not regulated by DEQ at this time.

CHAIR PARKINSON: Stove oil must be listed somewhere because we've heard horror stories on it.

340 REP. JONES: I don't believe so.

350 REP. NORRIS: Subsection 1 and Subsection 11. Doesn't understand the difference.

REP. JONES: Not entirely sure.

CHAIR PARKINSON: Answers Rep. Norris' question. The capacity was a conscious exclusion when the law was first introduced.

REP. JONES: Subsection 11 is not limited and that would be the difference.

Public Hearing on HB 3337

KATHRYN VAN NATTA, Committee Administrator: Explains the bill.

QUINCY SUGARMAN submits testimony for the record on HB 3351 (EXHIBIT P) and HB 3337 (EXHIBIT Q)

100 0 Friend of Oregon submits testimony on HB 3384 (EXHI

-CHAIR PARKINSON adjourns the hearing at 4:07 pm.

Submitted by:

Reviewed by:

Evie Redler
Assistant

Kathryn VanNatta
Administrator

EXHIBIT LOG:

A: HB 2246- Committee staff- B: HB 3570 C: HB 3570 D: HB 3570 E: HB 3570
F: HB 3570 G: HB 3570 H: HJM20 I: HB 3570 J: HB 3282 K: HB 3282 L: HB
3431 M: HB 3431 N: HB 3431 O: HB 3431 P: HB 3351 Q: HB 3337 R: S: