

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 08, 1991Hearing Room E 1:15 p.m.Tapes 155 - 158

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

MEMBER EXCUSED: ?Sen./Rep. Name

VISITING MEMBER:?Sen./Rep. Name

PRESENT: Kathryn VanNatta, Committee Administrator Andy Sloop, Committee Assistant ?Name, Legislative Counsel

MEASURES CONSIDERED: HB 3570 (WRK) HB 2602 (WRK) HB 2175 (WRK) SB 1030 (PUB)

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TAPE 155, SIDE A

06CHAIR PARKINSON: Calls the meeting to order at 1:25 p.m. Representatives Naito and Burton not present and excused.

WORK SESSION - HB 2602

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22vannatta: Changed "way of necessity" to ????

???

34nor: Moves as amended to floor with "do pass"

38cou: OK for this to go straight to the floor, as opposed to another committee?

41par: ????

????

(nai: arrives 1:30)

51cou: If you and
passes 8-0

WORK SESSION - HB 3570

73KELLY ROSS, OREGON ASSOCIATION OF REALTORS: Association generally
impressed with development of bill. Specific concerns:

>Urge establishment of minimum lot size to counties.

>Don't need urban reserve areas, and state involvement in this area not
necessary.

>Designation criteria too loose. Advocates specific criteria that gives
benefit of doubt to county judgement.

107 par: ???? ???? ?

134 MATT SPANGLER, ASSOCIATION OF OREGON COUNTY PLANNING DIRECTORS:
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225 nebon: If what staff indicates is correct, than using the word
"may" shouldn't be a problem.

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(bur arrives 1:45)

350 sch: Then what about criteria? Either you have to have it or the
bill has to have it.

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403 ::: suggest that adoption of secondary land designation map and
specific zoning be done as a package at the local level.

TAPE 156, SIDE A

04nor: ???? ?

08neb: Inclined to agree. Understand intent. Open to alternative
wording.

14par: ???? ?

18nor: Agree. Maybe we need more flexible language.

26::: Item 10 clarifies stage of process at which there is a land-use
decision that is appealable to LUBA. Suggest that map and implementing
regulations ???? ?

63sch: Would what you are proposing be a more streamlined and efficient process than the one proposed in this bill?

67::: Yes. ????

71par: Have heard testimony that arbitrator and court of appeals provisions in this bill would make the secondary lands process longer. What's your opinion on that?

74::: ????

86par: And the threat of the arbitrator would be a powerful incentive to bring the two parties together?

89::: Yes.

90neb: ??? Our amendments assume that has to be in the system. Counties have taken position that they support arbitration because it is final. ??? Preference would be not to have any appeal. ???

????

135 ::: If arbitrator denies commission ???

160 sch: What kinds of residential uses are you considering here?

163 neb: ??? Concern is that proposed criteria are new language that is difficult to interpret. Need local flexibility to allow for siting of some facilities that may not be able to be sited on secondary lands.

????

194 bur: Are there county ordinances in place that ???

203 neb: That language is ??? The criteria in EFU zones now asks if a proposed development is "generally compatible" with surrounding uses.

226 nor: Is it correct to read that as reinforcement of the freedom to farm provisions in HB 3570?

230 neb: ????

259 nor: Are you proposing removal of ???

264 ::: ???

266 neb: ????

275 neb: Hard to believe that any non-farm dwelling can not interfere with farming in the Willamette Valley.

283 neb: Non-farm dwelling conflicts with farming and forestry probably one of most contentious elements of secondary lands bills. ??? Serious inequities created by outright banning non-farm dwellings in farm areas.

311 sch: Reiterate that there is no sense in discussing secondary lands designation without talking about uses, including strengthening restrictions on commercial farm and forestlands.

329 ::: Item 17 would tie loss of automatic farm deferral to change in use of land ???

340 neb: Mr. Chair, you raised this question at a previous meeting. Our wording intended to allow property owners to keep automatic deferral ???

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368 neb: ????

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409 par: Closes work session and opens 2175.

WORK SESSION - HB 2175

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TAPE 155, SIDE B

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108 whi: If you mean antique, should put antique and take out ornamental. But if mean ornamental, should clarify so it doesn't mean antique.

118 vannatta: Continues section analysis of dash 6 amendments. ?????

197 REP. PICKARD: National energy strategy sorely lacking. Introduces Terry Lynch.

205 TERRY LYNCH: Testifies in support of ethanol incentive provisions in dash 4 amendments ????

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293 nor: ????

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305 lyn: Assures that project is viable and will be done.

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339 rep: There are a couple of non-attainment areas in this state. Wouldn't it make sense to offer alternative fuels in non-attainment areas to comply with new Clean Air Act amendments?

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360 nor: What would be your grain of choice?

364 lyn: Irrelavant. Corn and wheat have about same yield.

????

380 par: Everyone gets excited about alternative fuels, but have not yet been able to craft an alternative fuels bill that could pass out of the legislature. Think only way to get this bil moving is to adopt the

dash 6 and then to have people amend the dash 6s.

TAPE 156, SIDE B

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13cou: Questions how people can get excited about alternative fuels but can't get anything passed the Legislature.

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26par: Breaks at 2:50. Reconvenes at 3:04.

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149 whi:: We've have one ramp up cost.

153 whi: You realize we have a situation where if we don't do something in next two years, we're OK, but if something doesn't happen by that point, the feds can take over the program? Do you feel that if we do what you propose, with the 6.5 FTE, we still won't be able to ????

168 whi: We think 6.5 FTE is adequate to meet federal requirements.

??????

177 DOUG MORRISION, NW PULP AND PAPER ASSOCIATION: ????. That may be a period of time that overlaps bienniums. We believe 6.5 FTE is sufficient to carry program until ???

202 par: Is it fair to say that your contribution to the dash 6 amendments is limited to stationary, industrial sources?

206 mor: Yes.

208 bur: ??? Would it be better to postpone writing this into law until ????

223 mor: This language comes out of ORS 466.995, which relates to criminal penalties for illegal disposal of hazardous waste.

?????

252 par: Let's direct that question to the deaprtment.

255 mor: As a representative of the industries that would be subject to criminal penalties, we are also uncomfortable with this. Would prefer no criminal penalties, but see this as necessary.

268 van: On Section 14, do you really want it to say in addition to ????

278 mor: The "in addition to" language is there so that plaintiff couldn't seek civil and criminal penalties for a complaint.

289 van: ????

294 mor: ????

300 van: I'm going to need a much better explanation than that because I think this provision does much more than you think it does.

303 whi: ????

311 whi:: That's true. ????

335 DELL ISHAM, AUTOMOBILE CLUB OF OREGON: Vehicle interest groups met with staff and worked on Section 13 of dash 6 amendments. Beginning line 9, page 10, suggesting task force meet during iterim to propose comprehensive plan to deal with auto emissions through legislation n 1993. ????? That taxes collected be deposited in the Highway Fund rather than creating an additional DEQ subaccount. Much of subsection 4 already exist. ????

TAPE 157, SIDE A

05ish: Rather than give preference on task force to one alternative fuel over another, citizen representative would represent alternative fuels generally.

17JIM AUSTIN, MOTOR VEHICLE MANUFACTURERS ASSOCIATION: Entertains questions.

20nai: Why are gasoline dealers included on this task force?

23aus: They are part of this industry. ???

28nor: Isn't technology such now that conversion to alternative fuels is feasible? ???

34aus: ????? "This is a big area, and it's going to become a bigger area."

50nor: ??????

55aus: Methanol does have a toxicity factor to it. ?????

68nor: You may have implied that big oil may be trying to come on board with alternative fuel research and development?

71aus: ?????

85RAY RIBBLING ?????: No spcific comments. Concurrs with other auto industry representatives.

95par: My office worked on woodstove sections of dash 6 ???

102 FRED HANSEN, DEQ: Proposes amendments. ??????

>

173 par: ?????

176 han: Intent is to use language that is consistent with the federal Act.

181 par: Did LC draft these changes, or were they all done in house?

183 han: In house.

186 nor: ????

193 han: Would leave that up to discretion of LC.

???

201 whi: Do you feel what you are proposing deleting at the botom of page 2 limits you?

207 han: That is a very high burden that would be easily challenged. ???

223 whi: So you feel this limits you in that it doesn't allow DEQ to expand beyond federal limits?

227 han: yes.

230 whi: ????

232 han: Could identify specific issues. ????

237 whi: Then you're saying this committee will not know if some approved FTE ultimately go beyond the federal program?

250 han: Don't believe this is an FTE issue. It's one of how to write similar rules to address similar problems.

258 whi: What I'm getting at is: If DEQ is going to go beyond federal requirements, will this committee ever know?

281 han: ??? You could require us to report to the interim substantive committee.

315 van: ???

???

330 han: On bottom of page 3 ?????

353 van: The administrator referred to on lines 22 and 23 is the federal administrator of the EPA?

363 han: Yes.

375 han: Changes in lines 1-8 of page 4 for clarification.

407 han: Section 5?????

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TAPE 158, SIDE A

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09han: Don't want to mislead anybody that one-time ????

16han: The proposed \$25 fee may or may not be sufficient. Don't know yet. Lines 21-23 of Section allow next Legislature to address

appropriateness of that fee.

29bur: Why is that fee truncated for any source that goes above 4,000 tons?

35STEEVE GREENWOOD, DEQ: ???? We were responding to Chair Parkinson's request for amendments that met the minimum mandates of the federal Act.

46han: Bottom of page 6, subsection d, deletes language mandating extensive cooperation because of budget concerns. ????
???

67han: Yes.

70nor: Is that defined anywhere?

72han: We will run that by LC>

76han: Top of page 7: Continues and increase cordwood fee in line with increases for industrial fees.

89whi: Questions how going to collect fee for cordwood. Seasoning of wood directly related how much it smokes.

103 han: Yes. There are inequities. No way to measure woodstove emissions perfectly. "It is by no means perfect."

112 han: Page 9: If \$7 cordwood fee going to be in place, most of it should go woodstove smoke management program.

123 han: Bottom of page 9: ????
129 han: Bottom of page 10: Deletes mandatory removal of dirty woodstoves, preferring instead for that issue to be handled by industry and this committee.

139 han: Page 10a: ??????
?????

163 van: Section 11 adds fireplaces to the bill
????

183 gre: Two issues here: Curtailment of use of residential wood burning sources and the other is replacement of uncertified sources. The replacement issue deals with woodstoves only.

193 han: ?????

200 han: Bottom page 12 parallels language from last session ?????

210 nor: Section 12 (4) is pretty subjective.

220 han: ????
234 han: ??????
????

352 bur: If they've come up with a ???

360 gre: Useful to talk about this in a common denominator, like dollars. Need \$1.3 million minimum to develop and implement this program. Industry minimum proposal is about \$1 million. (399) ???

405 bur: ????

435 nor: Section 4, lines ????

TAPE 157, SIDE B

38whi: Closes work session on HB 2175 and opens public hearing on SB 1030

PUBLIC HEARING - SB 1030

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DENISE MCPHAIL, PORTLAND GENERAL ELECTRIC: ????

116 whi: What depreciation schedules are you required to use under this proposal?

120 mcp: ????

127 whi: If ????

134 par: Closes public hearing and reopens work session on HB 2175. Entertains motion on dash 6 amendments.

WORK SESSION - HB 2175

passes 8-0

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165 par: Closes 2175 and reopens SB 1030.

PUBLIC HEARING - SB 1030

175 mcp: ????

195 nor: Your proposal mentions private and investor-owned utilities. Where do coops fit in this?

200 ?????

210 DIANE WHITE, OREGONPEOPLE'S UTILITY ASSOCIATION: ????

228 BRIAN DELASHMUT ??????:

235 whi: Closes public hearing and adjourns at 4:50.