

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 31, 1991Hearing Room E 1:00 p.m.Tapes 191 - 163

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) SB 184 (PUB) SJM20 (PUB)

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TAPE 191, SIDE A

06CHAIR PARKINSON: Calls the meeting to order at 1:14 p.m.

WORK SESSION - HB 3570 Witnesses:???????

20par: moves dash 19 amendments. Have had extensive discussion on these amendments. This language is in SB 91, and it needs to be restored. Rep. Burton, you had concerns about this. Do you need further explanation?

31bur: No.

35VOTE:Hearing no objection, CHAIR PARKINSON so moves.

39par: Dash 25, 26 and 29 have been withdrawn.

????

83par: Most of that concern would be inside the urban growth boundaries.

87nai: There may be some counties that wouldn't want to designate any secondary lands for this use.

90wat: That's up to individual counties.

94mos: Local governments could make schools part of public facilities land-use planning under these amendments. ?????

109 par: The effect of this, in simpler terms, would be to allow counties to set minimum lot sizes, with review and confirmation by LCDC?

118 mos: Yes. The state never has set minimum lot sizes, and this would be consistent with that state role.

125 nai: This is an excellent amendment. ???

130 cou: ???

138 mos: There isn't any secondary land today, so really on new territory. Secondary lands intended to provide rules to adapt to varying conditions throughout state.

154 nor: Troubled by public services language in this amendment. Is the definition of "public services" in this amendment too broad?

162 mos: Share concern, but ??? Perhaps would help to add language pertaining to private or public facilities to provide flexibility.

182 KEITH CUBIC, DOUGLAS COUNTY PLANNING DIRECTOR: Responds to committee questions on minimum lot size.

183 par: ???

184 cub: ??? In secondary lands, there is a common theme that in many places, secondary lands would be at least 20 acres, but on coast and some other places, that minimum could be less. However, there is not a consistent rule. Preferable to have lot size decisions be made at local level.

206 whi: What's Douglas County's minimum planned unit development acreage?

208 cub: ???

214 whi: How long have you had the two acre minimum?

217 cub: 1982 comp plan acknowledged with two acre minimum on rural residential lots.

222 whi: But all counties aren't same on rural residential sizes?

224 cub: No. Lot size is adapted to local situation.

230 nai: Where do you stand philosophically on allowing some transferrable development rights in the future?

243 mos: Very flexible. It is a concept that is talked about more than

it is used. TDRs may have application to rural situations. However, with respect to secondary lands, once it is designated, it should be open to whatever uses fit on it and is in the public interest.

266 bur: Did wat: motion include change in language?

274 par: ???? states motion on dash 23 with amended language.

293 par: Hearing no objection, par: so orders.

297 whi: moves HB 3570 to the floor with "do pass" recommendation.

passes 6-3

320 Burton, Naito and Courtney serve notice of possible minority report.

330 par: Unclear about when Speaker's new rules kick in.

350

PUBLIC HEARING - SB 184

360 FRED HANSEN, DEQ: Explains the bill.

410 >Solid waste industry will be part of establishing schedule that would be applied under this legislation.

TAPE 192, SIDE A

37JIM WHITTY, AOI: Testifies in support of the measure. DEQ initiated discussions with member businesses of all sizes that use hazardous materials. Spent lots of time negotiating, leaving only unresolved issues for this session. Main concern was that penalties not be assessed inappropriately under gross negligence provision.

59van: If this bill passes, each battery not disposed of properly could be fined \$10,000 under language on page 1, lines 24 and 25.

70whitty: ?????

72han: DEQ currently has authority to be abusive if it sees fit. However, the department doesn't, in practice, assess fines on a multi-day basis. This language is here to provide flexibility for enforcement.

?????

93whitty: Believe that is lead acid batteries, not all batteries.

101 han: Those are lead acid disposal battery requirements.

109 nai: ??????

112 rep: Mr. Hansen, can you give me an idea of how many \$500 fines you've assessed in last five years on lead-acid batteries.

118 han: Zero.

112 nor: Agriculture deals with many hazardous materials. Would this bill cause problems for inadvertent spills of common agricultural

materials?

129 han: This should not change any regulation on agriculture.

139 nor: But the cost of violations would go up from \$500 to \$10,000?

142 han: ???

144 nor: Why are batteries singled out among all hazards?

147 han: Proposing to pick up all references to DEQ hazardous materials civil penalties authority. ????

156 van: ?????

162 han: We'll pull that out.

165 van: Read this to say if my fertilizer truck overturns, the spill would have to be cleaned up immediately, or I would be subject to \$10,000 fine per day.

178 han: Fertilizer won't normally be considered hazardous, but let's say example involves pesticide. ????

190 van: If I have to clean up or be fined \$10,000, might as well let the department clean up or pay the fine.

193 han: ????

200 rep: Isn't the intent here to get the liable party to play responsible role in mitigating damage and in initiating clean up?

217 han: Yes.

228 bur: What are the standards for demonstrating "gross negligence" in court with respect to this legislation?

242 whitty: Short of intentional, but short of extreme. ???

????

272 nor: Is "person" the broad definition of person that includes corporations, etc.

279 ??? : Broad definition.

282 nor:

????

360 whi: moves to floor with "do pass"

362 van: Requests friendly amendment ????

369 whi: Withdraws motion.

375 par: This is present law, and the only

????

397 nai: If we took out sentence on line 24, starting with each batter,
and ending in line 25 ???

TAPE 192, SIDE B

04????: Don't think so. ???

09nai: If we took that sentence out would lead acid batteries possibly
be covered by \$10,000 fine, and ???

13han: ???? If the concern is that each battery could be a multiplier
???

19nai: That would be my suggestion, but understand that is not what
van: supports.

22bur: This is intended to deal with gross negligence and intentional
acts. ???

38han: Lead acid batteries are a clear environmental hazardous and
concern. Clarifies that this is to make all maximum civil penalties
consistent.

45par: ????
????

58par: Going to resist van: amendment, because if can fine a farmer
\$10,000 for rinsing a can of roundup in the crick, but only \$500 for
improper disposal of lead acid batteries is hardly fair.

65van: Nobody is going to rinse roundup in the crick given its cost.
????

whi: moves to floor with do pass

88rep: Inclined to support nai: ??? so we don't get bombarded with
questions from colleagues like van:

96whi: withdraws motion.

97rep: Proposes concept amendment ????
100 cou: ????
104 han: ????
113 whi: Will rep: amendment be a problem?
115 han: No.
118 cou: Under this amendment, the department would still be able to
deal with the battery problem?
120 han: ????
rep: concept amendment passes 8-0, with par: absent.
whi: to floor 7-1, with van: voting no and par: absent. 144 whi:

Adjourns at 2:22.