

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

June 5, 1991 Hearing Room E 1:15 p.m. Tapes 193, 194, 199, 200

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 Evie Redler, Committee Assistant ?Name, Legislative Counsel

MEASURES CONSIDERED: SB 242 (WRK) HB 2575 (PUB AND WRK) SJM20 (PUB AND WRK) SB 861 (PUB AND WRK) SB 928 (PUB AND WRK)

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TAPE 193, SIDE A

06CHAIR PARKINSON: Calls the meeting to order at 1:17 p.m. Representatives Naito and Burton not present and excused.

SB 242- WORK SESSION Witnesses:???????

kathryn: Introduces SB 242 amendments. dash 16 adopted on monday. (EXHIBIT A). Goes through the hand engrossed version of the bill which includes all amendments to date.

whitty: tug boat operator, said that the insurance company inspects everything. Don't need to put that section back in.

courtney: is the coast guard going to testify?

whitty: don't beleive so.

park: was there any disagreement to deleting that section?

LYDIA TAYLOR, DEQ: The department did not object to that section being

deleted.

066 park: The court was concerned with leaving that in..

kathryn: Explains definition of navigable waters.

norris:

089 BILL SUTHERLAND, DEQ: Yes, it can be defined.

norris:

SUTHERLAND: around river mile 45.

norris: With the pacific ocean as the head of estuaries, are those well defined boundaries?

TAYLOR: Yes, they are well defined.

kathryn: Continues going through the hand engrossed bill. (EXHIBIT B)  
-Explains dash A-18 amendments by Legislative Counsel

JOHN LOW, DEQ: On the Senate side the bill went to Ways and Means. Believe it goes to Ways and Means again.

199 kathryn: Explains dash a18 amendments. (EXHIBIT C)

MOTION: REPINE moves dash 16 amendments to SB 242 a

218 courtney: Why did the ag commi feel so strongly about section 23?

TAYLOR: They wanted ... to take an active role.

SUTHERLAND: ...recommendation came from a task force

246 whitty: the port in coos bay does not have the man power or the expertice to go out and check all the tow lines. Doubts that the port of Portland has that ability. Insurance companys do a good job of checking the lines.

courtney: concern with the time in session. time. conference committee. the word "may" doesn't work?

292 whitty:

XXX, OREGON PUBLIC PORTS ASSOCIATION:

COURTNEY: if there is an oil spill caused by a cable being broken...

XXX: ..can put pressure on the port to do something that we dont' have the ability to do.

320 XX: Our position is that this puts liability on ports which is already taken care of by the coast guard.

339 courtney: would really like the coast guard to testify on this bill.

norris: that section is out, lets just leave it out.

VOTE: 6-3 MOTION CARRIES.

390 ROBERT HALL, PGE: Introduces dash A19 amendments (EXHIBIT D).  
Section 13 requires ...federal law does not require compliance

MOTION: VAN L moves dash a 19 amendments to SB 242 A

VOTE: Hearing no objections, park so moves.

Tape 194, Side A

027 whitty: Introduces dash A 20 amendments (EXHIBIT E).

burton: What this means is that ships would be the only thing covered  
under this bill.

whitty: no, there are 45 identified facilities. do all recieve their  
oil in a manner outlined by the amendment?

TAYLOR: There is one that gets their products from tanker trucks.  
Some of the other facilities don't

079 listen to tape

081 TAYLOR: If there is some risk involved in..

park: does the department have any objections to the dash 20  
amendments?

MOTION: whitty moves dash a 20 amendment to the bill.

VOTE: In a roll call vote the motion carries with all members voting  
AYE except Rep. Naito.

JILL ZARNOWITZ, OREGON DEPT OF FISH AND WILDLIFE: Introduces conceptual  
amendments. (EXHIBIT F).

156 van l: Didn't understand ORS 468.745 as included in the amendment.

ZARNOWITZ: Those are DEQ statutes which allow reimbursement for..

van l: what are the amounts?

TAYLOR: that money goes into a fund used for litigation.

ZARNOWITZ: The actual amounts 466.890 starts with 400 for game  
animals.

214 whitty:

ZARNOWITZ:

whitty: if (d) subsection 2 is not in this bill, does that mean that  
this is limited?

ZARNOWITZ: That is not part of my amendments.

233 norris: Is there a standard cost per each critter?

ZARNOWITZ: That is correct.

norris:

TAYLOR: have an agreement with the northern states and british columbia.

259 park: If there was a large spill on the Columbia the state could recover damages done to the wildlife. Could also assess civil penaltys.

van L: What is the difference between the federal and state reimbursement.

ZARNOWITZ: Not familiar with that.

303 JOHN BURNS, : In august of 1990 the us legislature passed a bill which increases the financial liability of shippers, This oil pollution act requires ...DON'T KNOW WHAT HE'S TALKING ABOUT! doesn't support dash 21 amendments.

tape 193, side b

002 courtney: you do support lines ..

BURNS: support a 16 amendments.

kathryn:

van l: You are objecting to ORS 468.745?

025 kathryn:

043 norris: does not see that section c in the conceptual amendments (EXHIBIT F) where it has to do with fees.

BURNS: The wording of the amendment. "provide the preparation"

TOM GALLAGER, ANADARKO:

077 Burton;; What is different between dash a10 and the dash a16 amendments?

BURNS: WE don't mind paying fees to deq but we do mind paying fees to lcdc...

RON DOUGLAS, STEAMBOAT...: Do not support a21 amend. support a16 amendments.

121 park: could they cooperate to

BURNS:

158 kathryn: introduces dash a22 amendments (EXHIBIT G) and HB 3348 which amends the same ORS section. conflict amendments with HB 3348.

TAYLOR: The definition of discharge is made broader.

park: Could we get around this by... for the purpose...

222 kathryn: If the conflict amendment is adopted it does not change SB

242 it would change HB 334 8.

park recesses the committee at 2:30. reconvenes at 2:45.

257 Kathryn:

JEANETTE HOLMAN, LEGISLATIVE COUNSEL: this conflict arose from amending the same section of ORS and applied two different definitions of discharge.

TAYLOR: no objections to either.

BURNS: Would prefer the wording form HB 3348.

MOTION: Rep. Norris moves to amend SB 242 by adopting the definition of discharge by HB 334 8. delete lines 17 and 18 and insert definition of HB 3348.

VOTE: Hearing no objections, Chair Parkinson so moves.

353 courtney: section 23. Question ORS 777.120 Do you have an opinion on whether existing law already gives ports permission...

HOLMAN: Does not see the authority from that statute.

park: we had testimony that said that they had this authority.

van l: That was a duplication of what the coast guard already requires.

Tape 194, Side B

002 courtney:

008 park: A court may not...at the present time.

HOLMAN:

TAYLOR: People who have testified believed that they did have this authority.

025 ANDY SNELL, DEQ: ORS 777.120 talks about the courts right to

MOTION: whitty moves SB 242 to ways and means do pass.

VOTE: In a roll call vote the motion passes with all members present voting aye. burton excused.

HB 2575- PUBLIC HEARING

076 LINDA..., LANE COUNTY: Submits written testimony for Donald R. Arkell (EXHIBIT H)

REP. MARIE BELL: Submits testimony in favor of HB 2575.

154 norris:

REP. BELL:

norris: it wouldn't eliminate elected officials.

173 park: what is the authority, what decisions do they make?

JOHN LOWEY, DEQ: Basically addresses...

park: you assign responsibilities.. is eugene a non attainment area?  
-many elected officials are giving responsibility to non-elected officials.

LOWEY: Doesn't see anything that directly affects the department.

REP. BELL: The authority would include

LINDA XXX: they have to act to delegate on that.

HB 2575- WORK SESSION

MOTION: Repine moves HB 2575 to the floor with do pass

VOTE: 7-0 MOTION CARRIES.

SJM20- PUBLIC HEARING

288 REP. BOB PICKARD: Testifies in support of SJM20. in 1973 we had our

MIKE GRAINEY: Open to questions.

park:

372 GRAINEY:

park: The tax credits from the state of Oregon...

GRAINEY: If the business takes a tax credit,

van l: is there anything which addresses the need to develop alternative energy sources?

GRAINEY: I beleive we have covered that.

norris: If this passes, will it help in DC?

GRAINEY: I believe it is helpful.

Tape 199, Side A

SB 861- PUBLIC HEARING

040 REP. NAITO: Testifies in favor of SB 861 and submits written testimony (EXHIBIT I).

059 SCOTT BARTLETT, REP. BILL DWYER'S LEG. ASST.: Submits and summarizes testimony in favor of SB 861 (EXHIBIT J).

van l: Are you saying fiscal or revenue?

BARTLETT:

van L; Why are we passing the legislation if we are already doing it and there is no fiscal impact?

BARTLETT: The bill was scaled down so that the legislature could make a statement.

REP. NAITO: Part of the problem is the rapidly changing...compiling information

van l:

REP. NAITO: Whether it is underground or not does not seem to be pertinent information.

140 BARTLETT: The EPA feels that this is serious...

repine: comments on dash 3 amendments?

norris: what is the energy policy review committee?

MIKE GRAINEY, DEPT OF ENERGY: make up of committee::163 have no objections to the bill. Do not see this as having a fiscal impact.

184 JIM ANDERSON, PACIFIC POWER: Submits proposed dash 3 amendments (EXHIBIT K).

naito: no problem with the amendments.

park: How large of a report are you expecting?

GRAINEY: IT would be a summary of whatever has transpired. probably 10 pages or so.

SB 861-WORK SESSION

MOTION: naito moves the dash a3 amend to SB 861 a

van L: could we add a friendly amendment to add a sunset for the committee?

VOTE: no objections, burton excused.

van l: This committee will not go away until it is legislated out. if we add a sunset it will allow for review.

GRAINEY: Not sure that you need a sunset date. If there is no need for the committee the chair can desolve the committee.

ANDERSON: By offering a sunset you may suggest that this issue will also sunset.

MOTION: Naito moves SB 861 as amended to floor with do pass.

VOTE: 6-0 rep. burton and park excused. naito will carry.

SB 928-PUBLIC HEARING

kathryn: explains the bill.

378 REP. LISA NAITO: Submits testimony given on HB 3362 (EXHIBIT L) which is a very similar bill. Testifies in favor of SB 928.

norris:

REP. NAITO:

Tape 200, Side A

017 MIKE GRAINEY, DEPT OF ENERGY: submits testimony in favor of SB 928.

norris:

GRAINEY: what is up at hanford is not being shipped.

043 park:

GRAINEY: NRC has said that they will not implement this policy due to outcry. It is still in policy.

van 1: What level are we talking about? Give us exact examples of what this applies to.

GRAINEY: The naturally occurring radioactive waste is not covered. the ...waste, and the high level radioactive waste...

078 park:

QUINCY SUGARMAN, OSPERG: Testifies in favor of SB 928 and submits written testimony (EXHIBIT N).

132 van 1: The federal standareds are good in some situations and now we're supposed to not go by the federal standards.

DIANA GODWIN, OSSI: Testifies in favor of SB 928 and submits possible amendments (EXHIBIT O).

adjourned at 4:05