

Senate Committee on Agriculture and Natural Resources May 31, 1991 -
Page

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statements made during this session. Only text enclosed in quotation
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report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 31, 1991Hearing Room C 8:00 a.m. Tapes 223 - 226

MEMBERS PRESENT:Sen. Dick Springer, Chair Sen. Joyce Cohen,
Vice-Chair Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh
Sen. Tricia Smith Sen. Eugene Timms

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,
Research Associate Barbara Porter, Committee Assistant

MEASURES CONSIDERED: HB 2175 (PH & PWS) HB 2242 (PH) HB
2745 (PH) HB 3349 (PH)

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proceedings, please refer to the tapes.

TAPE 223 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:00 AM

HB 3349 PUBLIC HEARING

007 FRANK BRAUNER, OREGON BANKERS ASSOCIATION: Submits and reads
written testimony in favor of the bill (EXHIBIT A).

118 ANN MARIE CLING, OREGON BANKERS ASSOCIATION: Submits and reads
written testimony in favor of the bill (EXHIBIT B).

177 DAVE ELLIS, OREGON BANKERS ASSOCIATION: Section by section analysis
of HB 334 9 (EXHIBIT C).

290 SEN. COHEN: Questions definition of "fiduciary."

319 ELLIS: The person being protected is the fiduciary. All of the assets of the trust would be subject to liability. This is not a change in existing law.

375 ELLIS: Refers to page 2, line 16 of the bill.

TAPE 224 SIDE A

006 SEN. SMITH: Questions sections 3 & 4 of the bill.

010 BRAUNER: Explains "insider transaction".

019 SEN. SMITH: Are you ever concerned about a credit risk?

027 CLING: Most banks do not influence operational decisions of a company when there is a clear credit risk.

060 Witnesses continue to answer questions from members of the committee.

090 FRED HANSEN, DEPARTMENT OF ENVIRONMENTAL QUALITY: Explains liability of fiduciary. Opposes legislation. Submits and summarizes DRAFT (EXHIBIT D) from the Attorney General. Answers questions from members of the committee.

TAPE 223 SIDE B

116 KEN SHERMAN, OREGON BANKERS ASSOCIATION: Submits proposed amendments to

HB 3349 A (EXHIBIT E) and summarizes written testimony (EXHIBIT F). Answers questions from members of the committee.

156 LIZ FRANKEL, SIERRA CLUB: Submits and reads testimony opposing the bill (EXHIBIT G).

202 JOE GILLIAM, NATIONAL FEDERATION OF INDEPENDENT BUSINESS: The small business community supports the bill. Answers questions from members of the committee.

300 Discussion of impact on small businesses. Banks won't lend capital because of the liability issues.

360 QUINCY SUGARMAN, OSPIRG: Discussion of policy issues. Submits and summarizes written testimony opposing the bill (EXHIBIT H).

TAPE 224 SIDE B

031 JOEL ARIO, OSPIRG: Reaction to earlier discussions. Banking industry is overreacting. Problem is not as huge as it sounds. The banks do not walk away from the risks. The bill will not change anything.

065 STEVE RODEMAN & TED HUGHES, OREGON CREDIT UNION LEAGUE: Submits and summarizes written testimony in favor of the bill (EXHIBIT I). Agrees with banks' position. Responds to questions from members of the committee.

126 JEAN CAMERON, OREGON ENVIRONMENTAL COUNCIL: Submits and summarizes written testimony in opposition of the bill (EXHIBIT J).

187 WILLIAM HOWE: Testifies in favor of the bill. Submits and summarizes written testimony (EXHIBIT K).

373 SEN. TIMMS: Compliments Howe on his testimony.

399 HB 2175 PUBLIC HEARING & POSSIBLE WORK SESSION

TAPE 225 SIDE A

003 JIM CRAVEN, AMERICAN ELECTRONICS ASSOCIATION: Submits and summarizes written testimony in favor of the bill (EXHIBIT L). Responds to questions from members of the committee.

108 Testimony on HB 2175 submitted for the record (EXHIBITS M & N) from Michael Heumann, Department of Human Resources.

115 STEVE GREENWOOD, DEPARTMENT OF ENVIRONMENTAL QUALITY: Testifies in favor of the bill. Submits amendments and summary of amendments (EXHIBITS O & P). The bill should meet minimum Clean Air Act requirements for industry and woodstoves (sections 1-12). Prevent undue limitations on DEQ's existing authority to regulate industrial sources (sections 2 & 4). Provide fee-based strategy to address motor vehicles (sections 13-14i).

DENNY MOORE, OREGON DEPARTMENT OF TRANSPORTATION: Introduces Gersham Goldstein of Stoel, Rives, Boley, Jones & Grey, an attorney prepared to answer questions relating to constitutionality of motor vehicle emission permit fee program.

153 JODY FISCHER, TRI-MET: Tri-met supports ODOT & DEQ amendments. Submits and summarizes written testimony from Dick Feeney in favor of the bill (EXHIBIT Q). Answers questions from the committee.

198 MOORE: Testifies in favor of the bill.

260 GERSHAM GOLDSTEIN: Proposed legislation focuses on the use of the air shed. The state can impose a permit fee on people who use the air shed. That view has a realistic possibility of success if litigated. The bill provides for a vehicle to test that in the Oregon Supreme Court.

291 LIZ FRANKEL, SIERRA CLUB: Submits testimony and proposed amendments (EXHIBIT R).

324 SUSAN SCHNEIDER & ELSA COLEMAN, CITY OF PORTLAND: Supports DEQ amendments to the bill (EXHIBIT O).

TAPE 226 SIDE A

003 JIM WHITTY, ASSOCIATED OREGON INDUSTRIES & DOUG MORRISON, NORTHWEST PULP AND PAPER ASSOCIATION: Submit & summarize written testimony

in favor of the bill (EXHIBITS S & T).

Submitted for the record, proposed amendments to HB 2175-A21 at the request of Oregon Environmental Council (EXHIBIT U).

Submitted for the record, hand-engrossed HB 2175-A22 at the request of DEQ (EXHIBIT V).

083 CHAIR SPRINGER: Adjourns the hearing at 10:45.

EXHIBIT LOG:

A - Testimony on HB 3349 - Frank Brawner, OBA - 24 pages
B - Testimony on HB 3349 - Ann Marie Cling, OBA - 5 pages
C - Testimony on HB 3349 - Dave Ellis, OBA - 21 pages D
- Testimony on HB 3349 - Fred Hansen, DEQ - 3 pages E - Proposed
Amendments to HB 3349 - Ken Sherman, OBA - 2 pages F - Testimony on
HB 3349 - Ken Sherman, OBA - 1 page G - Testimony on HB 3349 - Liz
Frankel, Sierra Club - 1 page H - Testimony on HB 3349 - Quincy
Sugarman, OSPIRG - 18 pages I - Testimony on HB 3349 - Ted Hughes - 1
page J - Testimony on HB 3349 - Jean Cameron, OEC - 2 pages K
- Testimony on HB 3349 - William Howe - 8 pages L - Testimony on
HB 2175 - Jim Craven - 2 pages M - Testimony on HB 2175 - Michael
Heumann - 2 pages N - Testimony on HB 2175 - Michael Heumann - 36
pages O - Proposed Amendments to HB 2175 - Steve Greenwood, DEQ - 17
pages P - Summary of Proposed Amendments to HB 2175 - Steve
Greenwood, DEQ - 6 pages Q - Testimony on HB 2175 - Jody
Fischer - 6 pages R - Testimony & Proposed Amendments to HB 2175 -
Liz Frankel, Sierra Club - 9 pages S - Testimony on HB 2175 -
Jim Whitty, AOI - 1 page T - Testimony on HB 2175 - Doug Morrison,
NWPPA - 2 pages U - Proposed Amendments to HB 2175 - Oregon
Environmental Council - 38 pages V - Hand Engrossed HB 2175 -
Staff - 24 pages

Submitted by: Reviewed by:

Barbara Porter Peter Green Assistant Administrator