

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF IDENTIFYING) RESOLUTION NO. 91-1405A
LEGISLATIVE ISSUES FOR SUPPORT,)
OPPOSITION, AND MONITORING IN THE) INTRODUCED BY THE
1991 LEGISLATIVE SESSION) GOVERNMENTAL AFFAIRS
) COMMITTEE

WHEREAS, the Metro Council adopted Resolution No. 90-1353 on November 29, 1990, supporting legislative concepts in relation to the 1991 legislative session; and

WHEREAS, the Metro Council adopted Resolution No. 90-1370 on December 13, 1990, for the purpose of including a legislative proposal of the Oregon Regional Council Association in the District's legislative agenda; and

WHEREAS, the Metro Council adopted Resolution No. 91-1378 on January 24, 1991, for the purpose of endorsing Westside Corridor Project implementation measures; and

WHEREAS, the Governmental Affairs Committee has identified additional issues that should be included in the District's legislative agenda; and

WHEREAS, the Governmental Affairs Committee recommends that legislative proposals affecting the Metropolitan Service District be separated into the categories of: Support; Oppose; and Monitor; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District:

1. Endorses the legislative bills and proposals listed in Exhibit A, and directs that they receive the District's active support.

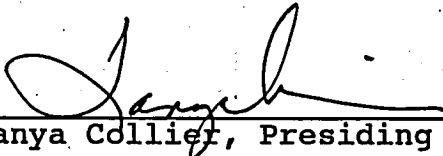
2. Opposes the legislative bills and proposals listed in Exhibit B, and directs that they receive the District's active opposition.

3. Identifies the legislative bills and proposals listed in Exhibit C as those to be monitored by District staff.

4. Authorizes the Governmental Affairs Committee and the Legislative Task Force to direct that bills and proposals in the "Monitor" category receive active support or opposition as circumstances warrant.

5. Directs the Governmental Affairs Committee and the Legislative Task Force to report to the full Council any actions taken under item 4, above.

ADOPTED by the Council of the Metropolitan Service District
this 28th day of February, 1991.



Tanya Collier, Presiding Officer



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: March 7, 1991
TO: File
FROM: Casey Short,^{cs} Council Analyst
RE: Resolution No. 91-1405A Correction

There is an error in Exhibit A to Resolution No. 91-1405A, in the description of SB 301. The language in the exhibit adopted by the Council reads, in part, that the bill "increases from \$100,000 to \$250,000 gross receipts amount that subjects contractor to business license tax of city which is not contractor's principal place of business." Instead of \$250,000, the correct number in the bill is \$125,000. This correction should be noted in pertinent references to the bill or the resolution.

I apologize for the error.

EXHIBIT A

LEGISLATIVE BILLS AND PROPOSALS
TO BE SUPPORTED BY THE
METROPOLITAN SERVICE DISTRICT

(* denotes Metro-sponsored bill)

SENATE BILLS

SB 66 - See discussion below on IC 348

SB 298 - Providing for the creation of a Metro Charter Committee

* SB 299 - Metro's Omnibus bill, clarifying procedures for Boundary Commission appointments; establishing ordinance effective dates 90 days following their passage (except when an emergency is declared); clarifying that the Metro Council, not the Secretary of State, is to reapportion Councilor districts.

SB 301 - Expands scope of Metro business licensing to include all contractors, not just those engaged in residential work; increases from \$100,000 to \$250,000 gross receipts amount that subjects contractor to business license tax of city which is not contractor's principal place of business.

SB 303 - Certifies and provides funding for regional councils.

SB 479 - Appropriates \$60,000 for the biennium to support activities of the Bi-State Policy Advisory Committee.

SB 573 - Provides expedited appeal process for approved Westside Corridor Project Preferred Alternative.

HOUSE BILLS

HB 2128 - Provides a commitment of state funds to complete the local match commitment for the Westside LRT Project, funds to come from cigarette tax revenues.

HB 3309 - Allows city or county to impose civil penalty of \$500-\$999 for illegal dumping, which may be imposed in lieu of or in addition to criminal penalties currently provided for by statute.

LEGISLATIVE CONCEPTS & LEGISLATIVE COUNSEL DRAFTS

Solid Waste:

LC 348 - Comprehensive solid waste legislation is incorporated in SB 66 and SB 183, sponsored by the Interim Environment & Energy Committee and DEQ, respectively. Associated Oregon

Industries has also drafted a legislative proposal. Legislative Counsel is drafting LC 348, which is an effort to consolidate these proposals, incorporate the needs of local government, and effect a compromise among all interested parties. Metro's position is to support a bill which addresses its legislative priorities adopted in Resolution No. 90-1353:

- expands the Recycling Information Center statewide;
- seeks Metro/State funding of a mobile facility for household hazardous waste collection;
- enacts standards for coding plastic consumer packaging;
- establishes uniform purchasing policies specifying recycled content and establishes a preference for purchase of recycled materials;
- requires certain landlords to provide collection for principal recyclables;
- supports the concept of incentives for recycling businesses to locate in Oregon;
- supports the concept of incentives to encourage environmentally friendly business to locate in Oregon;
- supports the concept of requiring that packaging be labeled with compatible material.

In addition to the issues identified in Resolution No. 90-1353, Metro supports inclusion of the following four points in a comprehensive solid waste bill:

- Allows Metro to include the tonnage recycled and composted at the Riedel composter as material recovered that contributes to the region's recycling level;
 - Metro will collect any surcharge on tipping fees designated by new or existing legislation only at those facilities that Metro owns or where Metro controls the gatehouse;
 - Consistent with the Regional Solid Waste Management Plan, Metro will be responsible for coordination, reporting, data collection, and fund distribution in the tri-county region. Cities and counties in the tri-county metropolitan area can meet waste reduction/recycling provisions by participating in and implementing the regional Waste Reduction Program.
- Support establishing a revenue source for the Resource Conservation Trust Fund.

- Support expansion of the bottle bill to include all beverage containers.

General Government

- * - Introduce legislation which will amend ORS 268.160 to enable the Council to provide medical and dental benefits for Councilors.

EXHIBIT B

**LEGISLATIVE BILLS AND PROPOSALS
TO BE OPPOSED BY THE
METROPOLITAN SERVICE DISTRICT**

None

EXHIBIT C

LEGISLATIVE BILLS AND PROPOSALS
TO BE MONITORED BY THE
METROPOLITAN SERVICE DISTRICT

SENATE BILLS

- SB 96 - Establishes Seismic Safety Policy Advisory Commission; Directs Building Code Agency to adopt rules relating to seismic geological hazards.
- SB 184 - Increases penalties for extreme violations of environmental quality laws.
- SB 241 - Increases fee for disposal of hazardous waste.
- SB 264 - Permits tax credit for investment in business that produces product from post-consumer waste.
- SB 279 - Allocates costs of election between all electoral districts.
- SB 283 - Reduces number of election dates. (A-engrossed version of this bill eliminates June election date.)
- SB 300 - Changes process for filling Metro Council vacancies.
- SB 302 - Increases Boundary Commission fees.
- SB 309 - Establishes Seismic Safety Policy Advisory Commission.
- SB 326 - Requires Water Resources Department to review comprehensive plans to determine whether plans adequately address water availability; requires cities, counties, and Economic Development Department to make finding that water is available before approving new major development that entails consumptive use of water.
- SB 363 - Requires use of Oregon wood in construction of public facilities.
- SB 473 - Establishes fee assessed on disposal of solid waste from outside region in addition to surcharge; defines "region" as Idaho, Oregon, Washington, and counties in California and Nevada that share a common border with Oregon.
- SB 474 - Directs DEQ to establish statewide solid waste management plan; directs local governments to establish or revise local solid waste management plans in conjunction with statewide plan.
- SB 475 - Creates interim regional solid waste management committee; sets requirements on disposal of out-of-state waste.
- SB 550 - Revises law to conform with Ballot Measure #5.

HOUSE BILLS

- HB 2061 - Exempts certain governmental units (including Metro) from contractor registration requirements.
- HB 2122 - Imposes real estate transfer tax; distributes revenues for acquiring, developing and maintaining park facilities.
- HB 2136 - Imposes tax on carbonated beverages; dedicates proceeds to acquisition, development, maintenance, care and use of park and recreation sites.
- HB 2150 - Changes periodic review procedures for land use planning.
- HB 2175 - DEQ's comprehensive emissions fee bill.
- HB 2246 - Requires permit to collect or transport waste tires; specifies methods of disposal; extends fee on retail sale of replacement tires to June 30, 1993.
- HB 2248 - Adds water districts and authorities to list of agencies eligible for state financed projects.
- HB 2261 - Changes land use appeal process.
- HB 2347 - Imposes gross receipts tax on commercial and industrial solid waste collection; dedicates proceeds to State Parks and Recreation Department and Resource Conservation Trust Fund.
- HB 2348 - Imposes surcharge on personal income tax and corporate excise tax for habitat conservation, solid waste recycling, and maintenance of state parks.
- HB 2349 - Imposes 5 cent beverage container tax; proceeds dedicated to State Parks and Recreation Department (60%) and Resource Conservation Trust Fund (40%).
- HB 2362 - Establishes judicial review process for state and local governmental actions.
- HB 2382 - Establishes Uniform Transboundary Pollution Reciprocal Access Act.
- HB 2394 - Imposes tax of 1 cent per container upon sale of certain carbonated beverages; proceeds go toward alleviation of hunger.
- HB 2461 - Prohibits individual members of governing bodies from contacting other members to agree on a decision outside of a public meeting.
- HB 2550 - Amends law to conform with Ballot Measure #5.

HB 2578 - Establishes recycled newsprint requirements for newspapers over 40,000 circulation; requires EQC to establish statewide solid waste management plan by 1/1/92; requires EQC to establish rules regarding packaging; requires retail establishments that offer plastic bags to customers to offer paper bags as an alternative.

HB 2772 - Prohibits sale of plastic milk containers; requires beverage container deposit for glass milk bottles.

JOINT RESOLUTIONS

HJR 1 - Proposes amendment to Constitution, to authorize issuance of general obligation bonds for state parks and recreation projects.

HJR 15 - Proposes amendment to Constitution, to allow gas tax levies to be used for public transportation.

SJR 4 - Proposes amendment to Constitution, to allow new growth to go directly onto tax base of taxing units.

LEGISLATIVE CONCEPTS

- Monitor the secondary lands bill to determine whether it includes an urban fringe element.

* - Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

- Statewide ban on sale of laundry detergent containing phosphates.

EXHIBIT C

LEGISLATIVE BILLS AND PROPOSALS
TO BE MONITORED BY THE
METROPOLITAN SERVICE DISTRICT

SENATE BILLS

- SB 96 - Establishes Seismic Safety Policy Advisory Commission; Directs Building Code Agency to adopt rules relating to seismic geological hazards.
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- SB 474 - Directs DEQ to establish statewide solid waste management plan; directs local governments to establish or revise local solid waste management plans in conjunction with statewide plan.
- SB 475 - Creates interim regional solid waste management committee; sets requirements on disposal of out-of-state waste.
- SB 550 - Revises law to conform with Ballot Measure #5.

HOUSE BILLS

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HB 2772 - Prohibits sale of plastic milk containers; requires beverage container deposit for glass milk bottles.

JOINT RESOLUTIONS

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HJR 15 - Proposes amendment to Constitution, to allow gas tax levies to be used for public transportation.

SJR 4 - Proposes amendment to Constitution, to allow new growth to go directly onto tax base of taxing units.

LEGISLATIVE CONCEPTS

- Monitor the secondary lands bill to determine whether it includes an urban fringe element.

* - Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

- Statewide ban on sale of laundry detergent containing phosphates.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 91-1405A, IDENTIFYING LEGISLATIVE ISSUES FOR SUPPORT, OPPOSITION, AND MONITORING IN THE 1991 LEGISLATIVE SESSION

Date: February 28, 1991

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At its February 21, 1991 meeting the Governmental Affairs Committee voted 2-0, with one abstention, to recommend Council adoption of Resolution No. 91-1405A. Voting aye were Councilors DeJardin and Hansen. Councilor Knowles declared a possible conflict of interest and abstained. Councilors Collier and Devlin were excused.

COMMITTEE DISCUSSION/ISSUES: Committee staff Casey Short summarized the contents of Resolution 91-1405. It is a revision of Metro's legislative package for the 1991 session of the Oregon Legislature; the original legislative package was contained in Resolution 90-1353 adopted on November 29, 1990, with some subsequent additions. The new package incorporates the original package and additions, adds items that have arisen in the meantime, replaces legislative concepts with specific bills, and establishes categories of items to Support, Oppose, or Monitor.

Solid Waste Director Bob Martin discussed solid waste legislative issues and suggested changes to Exhibits A and C, as follows:

Exhibit A:

- Delete reference to SB 183 in the listing of Senate Bills to support, on the grounds that SB 66 is the vehicle for solid waste/recycling legislation in the Senate and SB 183 is not likely to be acted on.
- Move SB 241 (DEQ's bill increasing fee for disposal of hazardous waste) from Monitor to Support.
- Add SB 474 to the Support list. SB 474 directs DEQ to establish a statewide solid waste management plan.
- Change the reference to LC 2770 to acknowledge that this Legislative Counsel draft has been assigned a bill number, HB 3309.

Exhibit C:

- Move SB 241 from Monitor to Support (see above).
- Add SB 473 to the Monitor list. The bill establishes a fee to be assessed on disposal of solid waste from outside the region, in addition to existing surcharge.
- Add SB 475 to the Monitor list. SB 475 creates an interim regional solid waste management committee and sets requirements on the disposal of out-of-state waste.
- Add HB 2578 to the Monitor list. This bill establishes recycled newsprint content requirements for newspapers over 40,000 circulation, requires EQC to establish a statewide solid waste management plan by 1/1/92, requires EQC to establish rules regarding packaging, and requires retail establishments that

EXHIBIT A

LEGISLATIVE BILLS AND PROPOSALS
TO BE SUPPORTED BY THE
METROPOLITAN SERVICE DISTRICT

(* denotes Metro-sponsored bill)

SENATE BILLS

SB 66 [& 183] - See discussion below on LC 348

SB 241 - Increases fee for disposal of hazardous waste.

SB 298 - Providing for the creation of a Metro Charter Committee

* SB 299 - Metro's Omnibus bill, clarifying procedures for Boundary Commission appointments; establishing ordinance effective dates 90 days following their passage (except when an emergency is declared); clarifying that the Metro Council, not the Secretary of State, is to reapportion Councilor districts.

SB 301 - Expands scope of Metro business licensing to include all contractors, not just those engaged in residential work; increases from \$100,000 to \$250,000 gross receipts amount that subjects contractor to business license tax of city which is not contractor's principal place of business.

SB 303 - Certifies and provides funding for regional councils.

SB 474 - Directs DEQ to establish statewide solid waste management plan; directs local governments to establish or revise local solid waste management plans in conjunction with statewide plan.

SB 479 - Appropriates \$60,000 for the biennium to support activities of the Bi-State Policy Advisory Committee.

SB 573 - Provides expedited appeal process for approved Westside Corridor Project Preferred Alternative.

HOUSE BILLS

HB 2128 - Provides a commitment of state funds to complete the local match commitment for the Westside LRT Project, funds to come from cigarette tax revenues.

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LEGISLATIVE CONCEPTS & LEGISLATIVE COUNSEL DRAFTS

Solid Waste:

LC 348 - Comprehensive solid waste legislation is incorporated in SB 66 and SB 183, sponsored by the Interim Environment & Energy Committee and DEQ, respectively. Associated Oregon Industries has also drafted a legislative proposal. Legislative Counsel is drafting LC 348, which is an effort to consolidate these proposals, incorporate the needs of local government, and effect a compromise among all interested parties. Metro's position is to support a bill which addresses its legislative priorities adopted in Resolution No. 90-1353:

- expands the Recycling Information Center statewide;
- seeks Metro/State funding of a mobile facility for household hazardous waste collection;
- enacts standards for coding plastic consumer packaging;
- establishes uniform purchasing policies specifying recycled content and establishes a preference for purchase of recycled materials;
- requires certain landlords to provide collection for principal recyclables;
- supports the concept of incentives for recycling businesses to locate in Oregon;
- supports the concept of incentives to encourage environmentally friendly business to locate in Oregon;
- supports the concept of requiring that packaging be labeled with compatible material.

In addition to the issues identified in Resolution No. 90-1353, Metro supports inclusion of the following four points in a comprehensive solid waste bill:

- Creation of a Markets Development Commission to work in concert with commissions established in Washington and California to enhance recycling markets;
- Allows Metro to include the tonnage recycled and composted at the Riedel composter as material recovered that contributes to the region's recycling level;
- Metro will collect any surcharge on tipping fees designated by new or existing legislation only at those facilities that Metro owns or where Metro controls the gatehouse;

- Consistent with the Regional Solid Waste Management Plan, Metro will be responsible for coordination, reporting, data collection, and fund distribution in the tri-county region. Cities and counties in the tri-county metropolitan area can meet waste reduction/recycling provisions by participating in and implementing the regional Waste Reduction Program.

[LC 2770 - Allows city or county to impose civil penalty of \$500-\$999 for illegal dumping, which may be imposed in lieu of or in addition to criminal penalties currently provided for by statute.]

- Support establishing a revenue source for the Resource Conservation Trust Fund.
- Support expansion of the bottle bill to include all beverage containers.

General Government

- * - Introduce legislation which will amend ORS 268.160 to enable the Council to provide medical and dental benefits for Councilors.

Transportation

- Support for the following principles related to air quality, as adopted by TPAC and JPACT, and contained in Resolution No. 91-1388A:
 - Motor vehicles are a significant source of air pollution statewide and should shoulder their share of the burden of meeting air quality standards;
 - A market-sensitive statewide approach to addressing this problem is appropriate;
 - Programs and fees proposed to control automobile emissions should be consistent with state, regional and local land use objectives and assist in implementing a multi-modal approach to meeting air quality objectives;
 - The Metro Council, JPACT and TPAC should be further involved in the development of program details;
 - An added approach should be pursued to meeting air quality problems in the Portland metropolitan area; TPAC should work with the Department of Environmental Quality to recommend to JPACT and the Metro Council specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland metropolitan area;

- This statement of principles does not endorse any specific proposal to implement these principles.

Planning & Development

- Support the concept of establishing an urban reserve area outside the Urban Growth Boundary.
- *.- Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

EXHIBIT B

**LEGISLATIVE BILLS AND PROPOSALS
TO BE OPPOSED BY THE
METROPOLITAN SERVICE DISTRICT**

None

EXHIBIT C

LEGISLATIVE BILLS AND PROPOSALS
TO BE MONITORED BY THE
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SENATE BILLS

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BEFORE THE COUNCIL OF THE
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FOR THE PURPOSE OF IDENTIFYING)
LEGISLATIVE ISSUES FOR SUPPORT,)
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RESOLUTION NO. 91-1405
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GOVERNMENTAL AFFAIRS
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ADOPTED by the Council of the Metropolitan Service District
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Tanya Collier, Presiding Officer

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- Support establishing a revenue source for the Resource Conservation Trust Fund.

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- A market-sensitive statewide approach to addressing this problem is appropriate;

- Programs and fees proposed to control automobile emissions should be consistent with state, regional and local land use objectives and assist in implementing a multi-modal approach to meeting air quality objectives;

- The Metro Council, JPACT and TPAC should be further involved in the development of program details;

- An added approach should be pursued to meeting air quality problems in the Portland metropolitan area; TPAC should work with the Department of Environmental Quality to recommend to JPACT and the Metro Council specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland metropolitan area;

- This statement of principles does not endorse any specific proposal to implement these principles.

Planning & Development

- Support the concept of establishing an urban reserve area outside the Urban Growth Boundary.

* - Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

EXHIBIT B

**LEGISLATIVE BILLS AND PROPOSALS
TO BE OPPOSED BY THE
METROPOLITAN SERVICE DISTRICT**

None

EXHIBIT C

LEGISLATIVE BILLS AND PROPOSALS
TO BE MONITORED BY THE
METROPOLITAN SERVICE DISTRICT

SENATE BILLS

SB 96 - Establishes Seismic Safety Policy Advisory Commission; Directs Building Code Agency to adopt rules relating to seismic geological hazards.

SB 184 - Increases penalties for extreme violations of environmental quality laws.

SB 241 - Increases fee for disposal of hazardous waste.

SB 264 - Permits tax credit for investment in business that produces product from post-consumer waste.

SB 279 - Allocates costs of election between all electoral districts.

SB 283 - Reduces number of election dates. (A-engrossed version of this bill eliminates June election date.)

SB 300 - Changes process for filling Metro Council vacancies.

SB 302 - Increases Boundary Commission fees.

SB 309 - Establishes Seismic Safety Policy Advisory Commission.

SB 326 - Requires Water Resources Department to review comprehensive plans to determine whether plans adequately address water availability; requires cities, counties, and Economic Development Department to make finding that water is available before approving new major development that entails consumptive use of water.

SB 363 - Requires use of Oregon wood in construction of public facilities.

SB 550 - Revises law to conform with Ballot Measure #5.

HOUSE BILLS

HB 2061 - Exempts certain governmental units (including Metro) from contractor registration requirements.

HB 2122 - Imposes real estate transfer tax; distributes revenues for acquiring, developing and maintaining park facilities.

HB 2136 - Imposes tax on carbonated beverages; dedicates proceeds to acquisition, development, maintenance, care and use of park and recreation sites.

HB 2150 - Changes periodic review procedures for land use planning.

HB 2246 - Requires permit to collect or transport waste tires; specifies methods of disposal; extends fee on retail sale of replacement tires to June 30, 1993.

HB 2248 - Adds water districts and authorities to list of agencies eligible for state financed projects.

HB 2261 - Changes land use appeal process.

HB 2347 - Imposes gross receipts tax on commercial and industrial solid waste collection; dedicates proceeds to State Parks and Recreation Department and Resource Conservation Trust Fund.

HB 2348 - Imposes surcharge on personal income tax and corporate excise tax for habitat conservation, solid waste recycling, and maintenance of state parks.

HB 2349 - Imposes 5 cent beverage container tax; proceeds dedicated to State Parks and Recreation Department (60%) and Resource Conservation Trust Fund (40%).

HB 2362 - Establishes judicial review process for state and local governmental actions.

HB 2382 - Establishes Uniform Transboundary Pollution Reciprocal Access Act.

HB 2394 - Imposes tax of 1 cent per container upon sale of certain carbonated beverages; proceeds go toward alleviation of hunger.

HB 2461 - Prohibits individual members of governing bodies from contacting other members to agree on a decision outside of a public meeting.

JOINT RESOLUTIONS

HJR 1 - Proposes amendment to Constitution, to authorize issuance of general obligation bonds for state parks and recreation projects.

HJR 15 - Proposes amendment to Constitution, to allow gas tax levies to be used for public transportation.

SJR 4 - Proposes amendment to Constitution, to allow new growth to go directly onto tax base of taxing units.