

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

March 16, 2005 Hearing Room C

9:00 A.M. Tapes 28 - 29

MEMBERS PRESENT: Rep. Patti Smith, Chair

Rep. Brian Boquist, Vice-Chair

Rep. Arnie Roblan, Vice-Chair

Rep. Terry Beyer

Rep. Chuck Burley

Rep. Mark Hass

Rep. Mac Sumner

STAFF PRESENT: Patrick Brennan, Committee Administrator

Jania Zeeb, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2581 – Public Hearing

HB 2594 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 28, A

003	Chair Smith	Calls the meeting to order at 9:05 a.m. and opens the public hearing on HB 2581.
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HB 2581 – PUBLIC HEARING

010	Patrick Brennan	Summarizes HB 2581 and discusses the Fiscal Impact Statement (EXHIBIT A) .
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021	Chuck Craig	Deputy Director, Oregon Department of Agriculture (ODA). Solicits questions from the committee.
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030	Chair P. Smith	Asks what the DOA's position is in regard to HB 2581.
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032	Craig	Testifies to a position of neutrality on HB 2581. Voices support to activities that benefit agricultural practices in Oregon.
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042	Chair P. Smith	Inquires about the fiscal impact statement (EXHIBIT A) .
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044	Craig	Responds that he was not personally contacted prior to the drafting of the fiscal impact statement. Comments that the Department of Environmental Quality (DEQ) is usually responsible for inspecting compost facilities, which is how vermiculture operations are typically classified. Remarks that if the DEQ is willing to continue these inspections, ODA would not need to create a staff position to implement HB 2581.
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071	Chair P. Smith	Presumes that as long as the DEQ continues to monitor and inspect compost facilities ODA would not need to duplicate that monitoring.
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073	Craig	Expands on the areas that the functions of ODA might intersect with DEQ. Gives examples of how the ODA would be involved in implementation of HB 2581.
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109	Rep. Roblan	Inquires if there would be no fiscal impact from HB 2581 if the DEQ continues inspections.
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112	Craig	Concurs.
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113	Rep. Beyer	Inquires if there is anything in the bill that would make it impossible for DEQ to continue its inspections.
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119	Craig	Responds that he does not believe there is.
141	Rep. Boquist	Inquires if he is willing to talk with the representatives of the vermiculture industry to come up with a more efficient plan to lower the fiscal impact.
147	Craig	Concurs.
149	Rep. Burley	Inquires how widespread the vermiculture industry is in Oregon.
155	Craig	Responds that he does not know.
159	Rep. Boquist	Requests that Mr. Craig talk with representatives from the industry to investigate how widespread vermiculture is in Oregon. Comments that he is supportive of the concept, but nervous of the fiscal impact.
168	Craig	Responds that what Rep. Boquist suggests could come out of the discussion with the industry.
171	Rep. Roblan	Asks if the DEQ could also be included in the discussion with the industry.
175	Craig	Concurs and comments that Bob Danko from DEQ has indicated that his department would continue performing the inspections.
200	Dan Holcombe	President, Oregon Soil Corporation. States that there are two to three dozen small farms that participate in vermiculture on a limited basis, but that he is the only one that is involved on a large scale.
209	Chair P. Smith	Inquires if Mr. Holcombe thinks the industry might grow as a result of HB 2581.
210	Holcombe	Expresses hope that the industry would grow. Discusses the benefits of vermiculture verses compost.
233	Rep. Roblan	Inquire if he has talked with the small operators about HB 2581 and the effect it may have on them.
237	Holcomb	

Comments that he does not think HB 2581 would affect the smaller operations because they are not participating at a level that would require regulation.

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| 245 | Rep. Roblan | Asks if the measure would affect people who raise worms in their homes. |
| 247 | Holcombe | Answers that it will not. |
| 254 | Rep. Roblan | Inquires if the larger scale farms are producing worms for the people who have worms in their home. |
| 258 | Holcombe | Responds that he thinks that the smaller producers would generate enough worms to help keep the industry moving. |
| 277 | Chair P. Smith | Closes the public hearing on HB 2581 and opens a public hearing on HB 2594. |

HB 2594 – PUBLIC HEARING

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| 288 | Patrick Brennan | Committee Administrator. Summarizes HB 2594. |
| 293 | Dee Berman | Crook County Clerk. Submits copies of prepared testimony in support of HB 2594 (EXHIBIT B). Explains HB 2594 and discusses the problems with the current system that it is designed to prevent. |
| 330 | Chair P. Smith | Inquires if Ms. Berman supports HB 2594. |
| 336 | Berman | States that she does support of HB 2594. |
| 339 | Jan Coleman | Yamhill County Clerk. Distributes prepared testimony in support of HB 2594 (EXHIBIT C). States that county clerks are seeking better legal notice for property that is quarantined. |
| 374 | Chuck Craig | Deputy Director, Department of Agriculture (ODA). Introduces Dan Hilburn. Comments that bill addresses a small part of the issue and might not make a difference in the problem. Comments that there are several types of quarantine notices and not all of them are posted with the county clerk. Discusses the process by which land is quarantined |

TAPE 29, A

022	Craig	Recommends that a work group be started with the county clerks and other industry people to come up with a proposal that would fix the problems.
034	Rep. Burley	States that the county clerks are interested in getting the quarantined properties in the deed once the area has been declared a quarantined area. Inquires if there is an objection to doing so.
041	Craig	Responds that there is no objection. Explains the different processes that can be used to declare a property as quarantined. States that there is inconsistency in how all the quarantines are handled.
075	Craig	Comments that it is rare for a quarantine to still be in effect by the time a property changes hands.
090	Rep. Roblan	Inquires what needs to happen for the quarantine notice to be sent to the county clerks, and what happens when a quarantine is lifted.
097	Craig	Gives two examples of quarantines that are filed with county clerks.
104	Rep. Beyer	Inquires how often it happens that a quarantined property is in the process of sale.
112	Dan Hilburn	Plant Division Administrator, ODA. Gives an example of quarantined properties in the process of sale.
117	Craig	States that the quarantine Mr. Hilburn used as an example was accomplished by administrative rule.
125	Rep. Burley	Requests clarification on the use of administrative rule to prevent the spread of a contagion or invasive species.
132	Craig	Answers that while there may conceptually be a quarantine there may or may not be an actual quarantine in place. Explains quarantines and the stigma typically attached to the word.
151	Hilburn	Comments on the different options the department has when declaring quarantines.

174	Rep. George Gilman	House District 55. Comments that a work group is a good idea. Says there appear to be problems beyond those that HB 2594 addresses.
192	Chair P. Smith	Inquires if the disclosure laws in the state of Oregon take care of the problem of informing potential buyers of problems with land.
194	Rep. Gilman	Responds that might be the case but that he is uncertain.
197	Rep. Boquist	Comments on real estate laws. Expresses his support for a work group.
208	Rep. Gilman	Offers to serve on the work group.
214	Chair P. Smith	Asks Ms. Berman and Ms. Coleman, if they would be willing to participate in a work group.
215	Dee Berman	Responds that she would.
217	Rep. Burley	Inquires if the clerks could comment on the question regarding the disclosure laws.
219	Berman	Comments on the difference between filing information and recording information.
249	Rep. Burley	Asks if the clerks would prefer all quarantines filed and recorded with county clerks or if they would prefer the system with the ones that are currently sent to them changed.
257	Berman	Answers that the goal is for the documents that come to them to be recorded.
268	Coleman	States that the requesters of the bill are primarily concerned with protecting the records in their counties.
275	Rep. Sumner	Comments on the last bullet point in (EXHIBIT B) .
296	Chair P. Smith	Comments that they will put together a work group on the issue. Closes the public hearing on HB 2594. Discusses the upcoming road meetings with the committee. Adjourns the meeting at 9:55 a.m.

EXHIBIT SUMMARY

- A. HB 2581, fiscal impact statement, staff, 1 p
- B. HB 2594, prepared testimony, Dee Berman, 1 p
- C. HB 2594, prepared testimony, Jan Coleman, 4 pp