

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

April 27, 2005 Hearing Room C

9:00 A.M. Tapes 54 - 55

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 2513 – Public Hearing

HB 2529 – Work Session

HB 3316 – Work Session

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 54, A

003 Chair P. Smith Calls the meeting to order at 9:06 a.m. and opens a public hearing on HB 2513.

HB 2513 – PUBLIC HEARING

009 Patrick Brennan Committee Administrator. Summarizes HB 2513.

017 Scott Ashcom Oregon Agricultural Alliance. Submits prepared testimony in support of HB 2513 (**EXHIBIT A**). Explains what HB 2513 would do and discusses the benefits of the bill.

083 Rod Park Owner, Park's Nursery. Testifies in support of HB 2513. Submits prepared testimony in support of HB 2513 (**EXHIBIT B**). Discusses his personal experience as a victim of plant theft. Comments that HB 2513 will not stop plant theft altogether, but is a tool to help deal with plant theft.

161 Rep. Hass Comments on his experience with buying plants. States that this is a good idea and he thinks the state should look into doing more. Asks what the Christmas tree industry does that could be applied to the nursery industry.

170 Park Responds that HB 2513 is basically what the Christmas tree industry does currently.

185 Chair P. Smith Asks why the nursery industry was not included in the legislation dealing with the Christmas tree industry

189 Ashcom Talks about why the industry was not included in the legislation dealing with the Christmas tree industry. Comments on the problems that the Oregon Department of Agriculture (ODA) is going to raise and states that they approve the changes.

211 Rep. Roblan Asks if HB 2513 would go beyond the nurseries and affect retail stores like Fred Meyer.

216 Park Responds that the bill is directed primarily at the wholesale level.

224 Rep. Roblan

Inquires if this would affect people who are doing a landscaping project at their house and left their purchase in the car as they drive on other errands.

226	Chair P. Smith	Comments that this is an issue that needs to be discussed.
235	Chuck Craig	Deputy Director, ODA. Talks about the problem of identifying plants. Discusses the issues of clarity in regard to HB 2513.
272	Dan Hilburn	Plant Division Administrator, ODA. Submits prepared testimony regarding HB 2513 (EXHIBIT C). Discusses the concerns the department has with HB 2513.
333	Hilburn	Displays a shipping permit and explains what shipping permits are used for.
349	Chair P. Smith	Asks if the main problem the department has concerns how the measure is written.
359	Hilburn	Comments that passing HB 2513 in the current form will not create problems for the department, but says there are some other issues with the bill that should be worked through.
361	Rep. Burley	Refers to ORS 571.991. Comments that language for punishment is already in statute.
373	Craig	Responds that the question the department relating to the intent of HB 2513 and the type of violation the person would be charged with.
393	Rep. Beyer	Asks how this is working in the Christmas tree industry.
403	Hilburn	Comments on the Christmas tree industry and states that the department has not had any problems with that program.
415	Mark Simmons	Oregon Association of Nurseries. Submits and summarizes a report on Nursery Theft (EXHIBIT D). States that he respects the intent of HB 2513 and comments on the problems with the bill.

040	Simmons	Recommends forming a work group for the purpose of discussing the problems that need to be addressed.
050	Chair P. Smith	Comments on how the cattle industry handles the problem of theft.
057	Simmons	Discusses his experience traveling with cattle.
068	Rep. Burley	Comments that a work group would be a good idea.
071	Rep. Beyer	States that she understands the value of nursery stock. Asks if the police agencies have acknowledged the value of the stock and the problem.
078	Simmons	Answers that police are very busy and comments on the problem of tracking where the material is from. States that he is not aware of any instances of police officers pulling people over to check if the nursery goods are lawfully in their possession.
090	Chair P. Smith	Solicits any suggestions after hearing the testimony.
105	Ashcom	States that he thinks there is a solution that can be found through the formation of a work group.
147	Park	Comments that the individual nursery license number is printed on most bills of lading.
173	Chair P. Smith	States that she wants to appoint a work group.
180	Chair P. Smith	Closes the public hearing on HB 2513 and opens a work session on HB 2529.

HB 2529 – WORK SESSION

187	Patrick Brennan	Committee Administrator. Summarizes the -1 amendments (EXHIBIT E) .
201	Rod Harder	National Rifle Association. Discusses the -1 amendments.
211	Rep. Roblan	MOTION: Moves to ADOPT HB 2529-1 amendments dated 3/23/05.

VOTE: 6-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Boquist

Chair P. Smith **The motion CARRIES.**

222 **Rep. Roblan** **MOTION: Moves HB 2529 to the floor with a DO PASS AS AMENDED recommendation.**

230 Rep. Hass Expresses his concerns with HB 2529.

247 Rep. Beyer Refers to her concerns that she expressed in the public hearing on 4/13/05. States that she is still concerned that this bill can tie the hands of the department.

260 **VOTE: 5-1-1**

AYE: **5 - Beyer, Burley, Roblan, Sumner, Smith P.**

NAY: **1 - Hass**

EXCUSED: 1 - Boquist

Chair P. Smith **The motion CARRIES.**

REP. BURLEY will lead discussion on the floor.

266 Chair P. Smith Closes the work session on HB 2529 and opens a work session on HB 3316.

HB 3316 – WORK SESSION

270 Patrick Breannan Committee administrator. Summarizes HB 3316. Discusses the -2 amendments **(EXHIBIT F)**.

281 Rep. Jeff Kropf House District 17. Discusses the -2 amendments and explains what they do.

319	Rep. Hass	Asks if there is a revenue impact.
323	Brennan	Answers that the committee has been given a notice of potential revenue impact, but that a revenue impact statement has not been issued.
338	Rep. Hass	Comments that he thinks the measure should be referred to the Revenue Committee rather than to the Committee on Ways and Means.
350	Rep. Kropf	States that he does not know why the measure was given a subsequent referral to the Committee on Ways and Means rather than the Committee on Revenue.
353	Chair P. Smith	Asks if he would approve of HB 3316 going to Revenue rather than Ways and Means.
354	Rep. Kropf	Concurs.
375	Rep. Burley	MOTION: Moves to ADOPT HB 3316-2 amendments dated 4/18/05.
		VOTE: 6-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Boquist
	Chair	The motion CARRIES.
404	Rep. Burley	MOTION: Moves HB 3316 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 6-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Boquist
	Chair P. Smith	The motion CARRIES.

426

Chair P. Smith

Closes the work session on HB 3316 and adjourns the meeting at 10:02 a.m.

EXHIBIT SUMMARY

- A. **HB 2513, prepared testimony, Scott Aschom, 1 p**
- B. **HB 2513, prepared testimony, Rod Park, 2 pp**
- C. **HB 2513, prepared testimony, Dan Hilburn, 1 p**
- D. **HB 2513, report, Mark Simmons, 6 pp**
- E. **HB 2529, -1 amendments, staff, 1 p**
- F. **HB 3316, -2 amendments, staff, 1 p**