

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

March 22, 2005
7:00 A.M.

Hearing Room 343
Tapes 49 - 50

MEMBERS PRESENT: Sen. Charlie Ringo, Chair
Sen. Jason Atkinson, Vice-Chair
Sen. Roger Beyer
Sen. Frank Shields

MEMBER EXCUSED: Sen. Ginny Burdick

STAFF PRESENT: Matt Shields, Committee Administrator
Katie Lowry, Committee Assistant

MEASURES/ISSUES HEARD:

SB 82 – Work Session
SB 64 – Public Hearing and Work Session
SB 177 – Public Hearing and Work Session
SB 184 – Public Hearing and Work Session
HB 2196 A – Public Hearing and Work Session
HB 2198 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 49, A		
005	Chair Ringo	Calls meeting to order at 7:03 a.m. and opens work session on SB 82.
		<u>SB 82 – WORK SESSION</u>
	Matt Shields	Committee Administrator. Submits SB 82-1 amendments for the record (EXHIBIT A).
008	Chair Ringo	MOTION: Moves to ADOPT SB 82-1 amendments dated 03/18/05. VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Burdick
010	Chair Ringo	Hearing no objection, declares the motion CARRIED.
011	Chair Ringo	MOTION: Moves SB 82 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference. VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Burdick
014	Chair Ringo	Hearing no objection, declares the motion CARRIED.
015	Chair Ringo	Closes work session on SB 82 and opens public hearing on SB 64.
		<u>SB 64 – PUBLIC HEARING</u>
	Matt Shields	Committee Administrator. Submits SB 64-1 amendments for the record (EXHIBIT B).
016	James Hamrick	Assistant Director, Oregon Parks and Recreation Department (OPRD). States that the OPRD supports the -1 amendments.

023	Chair Ringo	Asks if Sen. Beyer would like to comment on the -1 amendments.
024	Sen. Beyer	Discusses -1 amendments.
027	Chair Ringo	Asks Sen. Beyer to review his concerns of SB 64.
028	Sen. Beyer	Details concerns with SB 64.
045	Chair Ringo	Closes public hearing on SB 64 and opens work session on SB 64.

SB 64 – WORK SESSION

046	Sen. Beyer	MOTION: Moves to ADOPT SB 64-1 amendments dated 3/9/05.
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VOTE: 4-0-1

EXCUSED: 1 - Burdick

Hearing no objection, declares the motion CARRIED.

054	Chair Ringo	MOTION: Moves SB 64 to the floor with a DO PASS AS AMENDED recommendation.
055	Sen. Beyer	

VOTE: 4-0-1

EXCUSED: 1 - Burdick

Hearing no objection, declares the motion CARRIED.

SEN. BEYER will lead discussion on the floor.

057	Chair Ringo	Closes work session on SB 64 and opens public hearing on SB 177.
059	Chair Ringo	

SB 177 – PUBLIC HEARING

060	Charlie Stone	Oregon Department of Forestry. Gives background information on SB 177. Submits written testimony in support of SB 177 (EXHIBIT C). Mentions -1 amendments which are submitted by staff for the record (EXHIBIT D).
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095	Chair Ringo	Asks about tort claim limit.
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100	Ian Whitlock	General Counsel for the Department of Forestry, Department of Justice. Responds.
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101	Chair Ringo	Believes that it is \$100,000 for economic and \$100,000 for non-economic. States that this would limit liability.
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104	Whitlock	Discusses liability limits.
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105	Chair Ringo	Makes comment.
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106	Chair Ringo	Closes public hearing on SB 177 and opens work session on SB 177.
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SB 177 – WORK SESSION

106	Sen. Atkinson	MOTION: Moves to ADOPT SB 177-1 amendments dated 3/15/05.
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VOTE: 4-0-1

EXCUSED: 1 - Burdick

Hearing no objection, declares the motion CARRIED.

107	Chair Ringo	MOTION: Moves SB 177 to the floor with a DO PASS AS AMENDED recommendation.
108	Sen. Atkinson	

VOTE: 4-0-1

EXCUSED: 1 - Burdick

Hearing no objection, declares the motion CARRIED.

SEN. BEYER will lead discussion on the floor.

110	Sen. Beyer	States potential conflict of interest for the record.
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115	Chair Ringo	Closes work session on SB 177 and opens public hearing on SB 184.
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SB 184 – PUBLIC HEARING

120	Lisa Hanson	Assistant Director, Oregon Department of Agriculture (ODA). Submits written testimony in support of SB 184 (EXHIBIT E). Introduces Janet Fults.
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130	Janet Fults	Fertilizer Program Manager, Pesticides Division, ODA. Explains details of SB 184.
142	Chair Ringo	Asks what section witness is referring to.
147	Hanson	Says that Ms. Fults has consolidated the seven changes.
148	Fults	Asks if she should separate the changes out by section.
149	Chair Ringo	States that he is trying to follow submitted testimony through SB 184.
150	Fults	States that there are some changes in SB 184 that were recommendations in form and style by Legislative Counsel.
154	Chair Ringo	Replies okay.
155	Fults	Continues explaining changes.
156	Chair Ringo	Asks witness to explain the last change again.
157	Fults	Explains in detail.
165	Chair Ringo	Replies okay.
166	Fults	Continues detailing changes that SB 184 would introduce.
176	Chair Ringo	Asks what page witness is referring to.
179	Fults	Responds. Continues explaining changes.
205	Chair Ringo	Asks witness to show exactly where the word “and” is being changed to “or”.
207	Sen. Beyer	Gives reference.
209	Chair Ringo	Asks if it is line 39.
210	Fults	Replies page 15, lines 38 and 39. Explains in detail.
217	Sen. Shields	Asks what agricultural amendment means.
219	Fults	Explains agricultural amendment.
225	Sen. Shields	Makes comment.
228	Chair Ringo	Closes public hearing on SB 184 and opens work session on SB 184.

SB 184 – WORK SESSION

289	Sen. Beyer	MOTION: Moves SB 184 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Burdick
290	Chair Ringo	Hearing no objection, declares the motion CARRIED. SEN. SHIELDS will lead discussion on the floor.
235	Terry Witt	Executive Director, Oregonians for Food and Shelter. Testifies in support of SB 184. Submits written testimony (EXHIBIT F). Submits written testimony on behalf of Scott McKinnie in support of SB 184 (EXHIBIT G).
245	Sen. Atkinson	Asks if Greg Addington can be asked to come to the witness table between bills.
246	Chair Ringo	Asks why.
247	Sen. Atkinson	Explains.
250	Chair Ringo	Closes work session on SB 184. Asks Greg Addington to come forward.
251	Sen. Atkinson	Asks if he may proceed with the line of questioning.
252	Chair Ringo	Replies yes.
257	Sen. Atkinson	Asks witness to state his name for the record.
258	Greg Addington	Oregon Farm Bureau. Introduces himself.
262	Sen. Atkinson	Asks if witness is complaining about the early hour of the meeting.
263	Addington	Replies no.
264	Sen. Shields	Makes comment about newspaper article.
265	Sen. Atkinson	Asks if today is witness’ last day at the Oregon Farm Bureau.
266	Addington	Replies no, and states that Friday will be his last day at the

267 Sen. Atkinson Oregon Farm Bureau. Asks if today will be the last day that he has the opportunity to question the witness as a representative of the Oregon Farm Bureau.

269 Addington Replies yes.

270 Sen. Atkinson Asks why witness is leaving the Oregon Farm Bureau.

271 Addington Responds that he has taken a job as the Executive Director for the Klamath Water Users Association.

273 Sen. Atkinson Asks witness to explain what type of work he will be doing for the Klamath Water Users Association.

275 Addington Responds.

282 Sen. Atkinson Wishes him the best of luck.

288 Chair Ringo Thanks witness for his patience.

291 Chair Ringo Opens public hearing on HB 2196 A.

HB 2196 A – PUBLIC HEARING

292 Lisa Hanson Assistant Director, Oregon Department of Agriculture (ODA). Introduces witnesses.

310 Jim Rue Oregon State Board of Agriculture. Submits written testimony on HB 2196 A (**EXHIBIT H**). Gives background information on HB 2196 A.

369 Ken Bailey Vice-Chair, Oregon State Board of Agriculture. Testifies in support of HB 2196 A.

388 Bernie Faber Chair, Oregon State Board of Agriculture. Testifies in support of HB 2196 A.

TAPE 50, A

005 Chair Ringo Asks how HB 2196 A increases the Oregon State Board of Agriculture’s responsibility.

010 Rue Responds that HB 2196 A says that the Oregon State Board of Agriculture should advise the director of the ODA on policy.

014 Chair Ringo Verifies that witness believes that it is not currently clear that the members of the Board of Agriculture have the authority to advise the director of the ODA on policy.

015 Rue Responds.

018 Rue Says that HB 2196 A directs the Board of Agriculture to submit a biennial report on the state of agriculture to the governor and the legislature.

022 Sen. Shields Refers to submitted testimony. Asks question about board membership.

035 Rue Responds.

047 Chair Ringo Wonders if point raised by Sen. Shields is a valid concern.

049 Chair Ringo Closes public hearing on HB 2196 A and opens work session on HB 2196 A.

HB 2196 A – WORK SESSION

050 Sen. Atkinson **MOTION: Moves HB 2196A to the floor with a DO PASS recommendation.**

VOTE: 4-0-1

EXCUSED: 1 - Burdick

053 Chair Ringo **Hearing no objection, declares the motion CARRIED. ATKINSON will lead discussion on the floor.**

055 Chair Ringo Closes work session on HB 2196 A and opens public hearing on HB 2198.

HB 2198 – PUBLIC HEARING

061 Lisa Hanson Assistant Director, Oregon Department of Agriculture (ODA). Explains HB 2198.

070	Dan Hilburn	Administrator of the Plant Division, ODA. Submits written testimony in support of HB 2198 (EXHIBIT I). Gives background information on HB 2198. Highlights submitted testimony. Urges committee to repeal the sunset.
099	Sen. Beyer	Asks question about the outstanding violation.
105	Hilburn	Responds.
117	Sen. Beyer	Asks how long this process has been going on with this one individual.
118	Hilburn	Replies this is the third season that the individual has not been licensed.
120	Sen. Beyer	Discusses outstanding violation and talks about enforcement.
125	Hilburn	Responds.
140	Sen. Beyer	Asks about timing of notifications and inspections.
147	Hilburn	Responds. Gives details of Christmas tree license timeline.
159	Sen. Beyer	Discusses willful violation of the law.
165	Hilburn	Discusses intent of the rule.
176	Sen. Beyer	Asks what happens if the same person fails to be licensed this year.
180	Hilburn	Responds.
185	Chair Ringo	Thanks Sen. Beyer for his questions. Says that if these were funds owed to a private entity, the private entity would not wait years to get their money.
190	Shawn Miller	Pacific Northwest Christmas Tree Association (PNWCTA). Testifies in support of HB 2198. States that the PNWCTA feels comfortable repealing the sunset. Discusses Sen. Beyer's concern mentioned. Hopes the ODA will act a little faster.
215	Chair Ringo	Closes public hearing on HB 2198 and adjourns meeting at 7:47 a.m.

EXHIBIT SUMMARY

- A. SB 82, -1 amendments, Staff, 1 p**
- B. SB 64, -1 amendments, Staff, 1 p**
- C. SB 177, written testimony, Charlie Stone, 3 pp**
- D. SB 177, -1 amendments, Staff, 1 p**
- E. SB 184, written testimony, Lisa Hanson, 1 p**
- F. SB 184, written testimony, Terry Witt, 1 p**
- G. SB 184, written testimony of Scott McKinnie, Terry Witt, 1 p**
- H. HB 2196 A, written testimony, Jim Rue, 1 p**
- I. HB 2198, written testimony, Dan Hilburn, 1 p**