

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

January 28, 2003 Hearing Room D
1:00 PM Tapes 9 - 11

MEMBERS PRESENT: Rep. Jeff Kropf, Chair
 Rep. George Gilman, Vice-Chair
 Rep. Kelley Wirth, Vice-Chair
 Rep. Elizabeth Terry Beyer
 Rep. Donna Nelson
 Rep. Patti Smith

MEMBER EXCUSED: Rep. Dave Hunt

STAFF PRESENT: Ray Kelly, Committee Administrator
 David Peffley, Committee Assistant

MEASURES HEARD: **HB 2179 - Work Session**
 HB 2195 - Public Hearing and Work Session
 HB 2205 - Public Hearing
 HB 2241 - Public Hearing
 HB 2256 – 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
Tape 9, A		
003	Chair Kropf	Calls the meeting to order and opens a work session on HB 2179.
<u>HB 2179 – WORK SESSION</u>		
016	Ray Kelly	Committee Administrator. Explains the amendment to HB 2179 (EXHIBIT A).
023	Chair Kropf	Offers that the proposed amendment was acceptable to Dean Hal Salwasser, Director of Oregon's Forest Research Laboratory.
031	Rep. Nelson	MOTION: Moves to ADOPT HB 2179-1 amendments dated
033		VOTE: 5-0
045	Chair Kropf	EXCUSED: 2 - Hunt, Wirth*(see Tape 11A, #048) Hearing no objection, declares the motion CARRIED.
064	Chair Kropf	Hearing no objection, declares the motion CARRIED.
050	Rep. Nelson	REP. NELSON will lead discussion on the floor. MOTION: Moves HB 2179 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
058		VOTE: 6-0 EXCUSED: 1 - Hunt

064 Chair Kropf **Hearing no objection, declares the motion CARRIED.**
075 Chair Kropf **REP. NELSON will lead discussion on the floor.**
Closes the work session on HB 2179 and opens a public hearing on HB 2195.

HB 2195 – PUBLIC HEARING

079 Ray Kelly Summarizes HB 2195.
088 Stephen Hobbs Forest Research Laboratory (FRL), Oregon State University (OSU). Submits **(EXHIBIT B)** and testifies in support of HB 2195 in order to fund ongoing research.
127 Rep. Nelson Asks if the FRL works in conjunction with Oregon industries.
133 Hobbs Responds that the FRL works very closely with Oregon industries.
150 Rep. Nelson States that she hopes that dollars will be kept for future development of Oregon industry.
157 Hobbs Affirms that the FRL aims to develop Oregon’s economy, industries, and communities.
167 Chair Kropf Asks for additional information from Clark Seely.
175 Clark Seely Responds that they have assigned the requested task gathering the requested data and hope to receive the findings very soon.
183 Chair Kropf Closes the public hearing on HB 2195 and opens a work session on HB 2195.

HB 2195 – WORK SESSION

189 Rep. Beyer **MOTION: Moves HB 2195 to the floor with a DO PASS Recommendation and BE REFERRED to the on Revenue by prior reference.**

200 Chair Kropf **Hearing no objection, declares the motion CARRIED.**

206 Chair Kropf **REP. BEYER will lead discussion on the floor.**
Closes the work session on HB 2195 and opens a public hearing on HB 2205.

HB 2205 – PUBLIC HEARING

225 Gary Lynch Oregon Department on Geology and Mining Industries (DOGAMI). Submits **(EXHIBIT C)** and testifies in support of HB 2205 as it will reduce overall costs.
276 Rep. Smith Asks if the survey must be conducted annually.
281 Lynch Responds that it would be done at the time of application, and that this bill is really about accurate boundaries.
299 Rep. Nelson Asks who validates the boundaries.
304 Lynch Responds that in the best case scenario, it would be done by a professional surveyor and that mapping is taken seriously.
323 Rep. Nelson Inquires about the surveying process.
328 Lynch Summarizes the steps in the process.
340 Rep. Gilman States concern that this process could create duplication.
350 Lynch Clarifies the land use question and gives the reasons that duplication should not occur.
374 Rep. Smith Asks for clarification on the wording “other acceptable methods”
378 Lynch Affirms that we need an amendment to change that language.

398 Rep. Smith Asks who would decide what is acceptable.
402 Lynch States that the department would set the standards.
410 Rep. Smith Asks whether a property owner would be able to hire someone to flag the line themselves.
413 Lynch States that the property owner would probably be able to do so.

TAPE 10, A

010 Rep Beyer Asks if the bill would be changing the permit process.
014 Lynch Confirms that it would not change. Reiterates that the survey would just make the system more efficient.
020 Chair Kropf Questions the viability of reducing costs.
032 Lynch Responds that prevention is cheaper than enforcement and that's where the savings will come.
060 Chair Kropf Asks how many people will be effected by this.
066 Lynch States that he doesn't know, but will find the answer. States that it is a significant number however.
072 Chair Kropf Asks how much it's going to cost to comply with the surveys.
074 Lynch Reiterates that if DOGAMI has the authority given by this bill, the costs will be minimal.
081 Chair Kropf Asks about fees for this process.
084 Lynch Doesn't see any fee as part of the program.
091 Chair Kropf Expresses concern about costs down the road.
108 Chair Kropf States appreciation for the goals of this legislation and states a desire to explore it
114 Stephen Kafoury Testifies in support of HB 2205, but introduces a proposed amendment - **(EXHIBIT D)**.
144 George Cathy Chairman of the Legislative Committee of the Professional Land Survey of Oregon. Testifies in support of HB 2205 and reaffirms Gary Lynch's testimony that the surveys are necessary, but also points out that the surveying must be under the direct supervision of a licensed surveyor.
200 Ed Graham Executive Secretary for the Oregon State Board of Examiners for Engineering and Land Surveying (OSBELLS). Addresses the accountability of those performing the services.
240 Rep. Nelson Asks if everyone goes through the process whether they own the land or not.
250 Kafoury Explains the surveying process and the reasons for it.
256 Rep. Nelson Expresses concern about people doing what they want with their own land.
260 Cathy Addresses Rep. Nelson's concern while providing an example of how the process works.
288 Rep. Nelson Asks for clarification on the purpose for the surveying process.
298 Cathy Responds by explaining the boundary marking process.
318 Rep. Smith Asks for the cost and time requirements to the landowner.
322 Cathy Replies that these requirements vary with geology and the situation with regard to cost.

TAPE 9, B

002 Rep. Smith Continues that he doesn't see this process costing the land owner any

additional time.

012 Chair Kropf Asks for clarification on Mr. Cathy's assertion that mapping without certification is a violation of statute.

015 Cathy Confirms that assertion.

017 Rich Angstrom President of the Oregon Concrete Aggregate Producers Association (OCAPA). Clarifies the intent and process for this bill.

060 Chair Kropf Asks whether this bill is necessary and whether the problem is big enough to warrant it.

082 Cathy States his belief that this is an important issue.

087 Rep. Nelson Asks whether DOGAMI guarantees their surveys.

091 Kafoury States that they are responsible for a very high standard of work.

100 Rep. Nelson Asks if they need a lot of liability insurance.

104 Chair Kropf Responds that it's not a requirement, but that it's a good idea.

110 Rep. Beyer Asks what percentage of applicants file surveys.

114 Lynch Responds that he doesn't have that figure. Reiterates the importance of the accuracy of the maps.

139 Ray Kelly Reads two statutes, 672.020 and 672.005 for clarification.

197 Kafoury Points out the differences and similarities in laws. Believes that the proposed amendment makes the law more clear.

234 Chair Kropf States his understanding of the bill that both a map and a survey are required. Asks if a prior survey is acceptable.

247 Lynch Affirms that previous surveys are regularly accepted.

267 Rep. Nelson Agrees with Mr. Kafoury that the committee is splitting hairs unnecessarily.

282 Lynch States that the costs could be costly to some in Eastern Oregon and that this bill aims at fixing this problem.

302 Dr. Beaulieu DOGAMI. Offers that if you remove the ten acre provision, the problem would be solved.

312 Angstrom States that he would support that amendment.

318 Chair Kropf Requests that the three organizations work out the language and come back with something agreeable to all. Closes the public hearing on HB 2205 and opens a hearing on HB 2241.

HB 2241 – PUBLIC HEARING

355 Kelly Summarizes the bill

368 Marcia Keith Oregon Veterinary Medical Association (OVMA). States that OMVA has no reservations about shifting from under the jurisdiction of the Department of Human Services (DHS).

381 Rep. Nelson Asks why the veterinarians are part of DHS and not the Department of Agriculture.

385 Keith States that she is not sure herself.

390 Rep. Nelson Asks where she thinks they should be.

396 Keith Points out that she understands they would want to staff their own board.

400 Rep. Nelson Speculates on reasons that they might have originally fallen under the jurisdiction of DHS.

408 Keith States that she doesn't have the historical depth to answer that question.

422 Kelly Gives the historical rationale for original placement in DHS.

TAPE 10, B

009 Rep. Nelson Comments on Kelly's analysis.
015 Chair Kropf Closes the public hearing on HB 2241 and opens a hearing on HB 2256

HB 2256 – PUBLIC HEARING

021 Kelly Summarizes HB 2256.
034 Dr. Beaulieu Testifies in support of HB 2256 as one which will save a lot of money.
052 Lynch Gives historical background in support of HB 2256 which will help to produce necessary regulation. Introduces his testimony (**EXHIBIT E**).
106 Rep. Gilman Explains the issue of salmon spawning by the banks of the Rogue River
120 Rep. Nelson Asks what DOGAMI bases the fee increases upon.
128 Lynch Explains the three phases to the fee increase and how DOGAMI arrived at these figures.
168 Rep. Nelson States her opinion on the penalization of Oregonians.
172 Lynch Responds that a healthy mining industry requires effective regulation.
178 Rep. Nelson Asks if Lynch has a list of individuals who support this bill.
181 Lynch Speaks to the fee increase and the endorsement of OCAPA.
194 Angstrom Testifies how they work together with DOGAMI and that regulatory agencies are absolutely necessary.
246 Lynch Confirms Mr. Angstrom's figures on mines not in use.
257 Angstrom Reasserts that mining is not a healthy industry right now, but offers hope that they do have a positive outlook for future.
273 Rep. Nelson Asks how many of the 880 mines belong to OCAPA.
278 Angstrom States that he doesn't know due to inconsistencies within the industry.
290 Chair Kropf Asks how many FTE were authorized in 1997.
294 Dr. Beaulieu Responds that they have maintained the staffing levels, but now offer declining services, and have vacancies.
308 Rep. Nelson Asks how much money this bill would generate.
325 Dr. Beaulieu Responds that they would raise \$120,000.
352 Chair Kropf Asks for confirmation on the breakdown of the \$120,000.
382 Lynch Responds that a major amendment costs about as much as a permit fee.
399 Chair Kropf Asks for clarification on who determines the fee.
406 Lynch Responds that the fee was not part of the original plan.
407 Chair Kropf Asks if OCAPA is in favor of the fee.
414 Angstrom States that all the major aggregate producers that he knows of definitely support the fee.

TAPE 11, A

002 Angstrom Concludes testimony on the fee increase.
018 Chair Kropf Asks what the effect will be if the fee increase is not approved
023 Dr. Beaulieu Responds that the services which DOGAMI provides will be greatly compromised.

044 Chair Kropf Closes the public hearing on HB 2256 and reopens a work session on HB 2179 and HB 2195.

HB 2179 AND HB 2195 - WORK SESSION

048 Rep. Gilman **MOTION: Requests unanimous consent that the rules be**
in order to allow Rep. Wirth* to be recorded as voting
AYE on the motion to send HB 2179 to the floor with a
DO PASS AS AMENDED recommendation.

050 **VOTE: 6-0**

EXCUSED: 1 - Hunt

053 Chair Kropf **Hearing no objection, declares the motion CARRIED.**

060 Rep. Gilman **MOTION: Requests unanimous consent that the rules be**

in order to allow Rep. Wirth* to be recorded as voting
AYE on the motion to send HB 2195 to the floor with a
DO PASS AS AMENDED recommendation.

062 **VOTE: 6-0**

EXCUSED: 1 - Hunt

063 Chair Kropf **Hearing no objection, declares the motion CARRIED.**

066 Chair Kropf Closes the work session on HB 2179 and HB 2195 and adjourns the meeting.

EXHIBIT SUMMARY

A – HB 2179, -1 amendment, staff, 1 p.

B – HB 2195, written testimony, Stephen Hobbs, 1 p.

C – HB 2205, written testimony, Gary Lynch, 1 p.

D – HB 2205, proposed amendment, Stephen Kafoury, 1 p.

E – HB 2256, written testimony, Gary Lynch, 2 pp.