

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

February 25, 2003 Hearing Room D
1:00 PM Tapes 31 - 32

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

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

MEASURE/ISSUES HEARD: **HB 2203 – Work Session**
 HB 2634 – 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 31, A		
004	Chair Kropf	Calls the meeting to order at 1:09, and opens a work session on HB 2203.
<u>HB 2203 – WORK SESSION</u>		
	Invited testimony	
017	Brendan McCarthy	Legislative Council. Testifies as to the ramifications and the rationale of the -2 amendments (EXHIBIT A) which supercede the -1 amendments (EXHIBIT B).
054	Chair Kropf	Asks McCarthy and Pete Norkoveck to go through the language of the amendment from the -1 to the -2.
061	McCarthy	Explains the effects of the -2 amendments.
087	Chair Kropf	Asks Norkoveck how the amendments fit in with the aims of the legislation.
089	Pete Norkoveck	Oregon Department of Forestry (ODF). Explains that these amendments make the bill more accessible for the maximum benefit of the greatest number of people.
113	Rep. Gilman	Asks for a list of those which ODF has sent demand letters to and a summary of what occurred.
118	Norkoveck	States that he can do this, but that there will be some overlap.
124	Rep. Smith	Asks Norkoveck what he means when he talks about confused jurors.
127	Norkoveck	Responds to Rep. Smith as to the cost issues, discretionary decisions, and the juries' confusion in what they are reconciling.
177	McCarthy	Reemphasizes that the -2 amendments are meant to clarify the

issue.

190 Rep. Gilman Asks how soon ODF can get the aforementioned figures.
 197 Norkoveck States that he will get the answers within a few days. Explains the privacy issues involved.

215 Chair Kropf Asks Norkoveck to provide copies for all members by the end of the week.

229 Rep. Smith Requests another public hearing on HB 2203.
 231 Chair Kropf Agrees that another hearing will be necessary.
 239 Jim Geisinger Executive Vice-President, Associated Oregon Loggers. Shares concerns with the proposed legislation. Affirms that he doesn't believe that any one agency should be beyond questioning.

280 Glen Stonebrink Oregon Cattlemen's Association. Submits **(EXHIBIT C)** and asks the committee to reject HB 2203. Believes that a burden of proof is very important to the process and this legislation would compromise that.

314 Chair Kropf Expresses concern that as a firefighter, it is difficult to have to be 100% correct all the time and be scrutinized by the public. Hints that this principle should perhaps apply here.

341 Geisinger States that that is the nature of the system. This bill is for cases of negligence and that this bill is about individuals' rights to question a decision by a state agency.

363 Stonebrink Believes that the issue here is the cost incurred in this process and not allowing people to question the decision.

410 Chair Kropf Asks if any compromise is possible on this bill.
 417 Stonebrink States that he doesn't believe so.

TAPE 32, A

003 Rep. Smith Asks witnesses if they know of other agencies which have this authority.

011 Geisinger Replies that he doesn't.
 012 Stonebrink Replies that he doesn't.
 014 Rep. Hunt Reaffirms Chair Kropf's concerns regarding court costs. Asks if there might be a compromise which might minimize court cases.

020 Geisinger Asserts that ultimately, court costs are unavoidable.
 030 Stonebrink Recommends that perhaps a review process might help with the problem.

045 Rep. Beyer Asks if Chair Kropf wants to bring this bill back for a public hearing.

048 Chair Kropf Believes that we probably must if the public keeps coming forward with thoughts and concerns.

053 Rep. Beyer Asserts her belief that we need to examine the issue further.
 057 Chair Kropf Closes the work session on HB 2203 and opens a public hearing on HB 2634

HB 2634 – PUBLIC HEARING

060 Ray Kelly Explains HB 2634.
 071 Chair Kropf As chief sponsor of this bill, submits **(EXHIBIT D)** and explains the reason for this bill.

093 Jean Wilkinson Associate Director of Governmental Affairs, Oregon Farm Bureau. Testifies in support of HB 2634 on the behalf of the farming community.

112 Chair Kropf Asks Wilkinson if SMV signs would be necessary if the vehicles are not licensed,
 117 Wilkinson States her belief that it would be important.
 122 Chair Kropf Asks if it would be likely that a farmer would grade the county road.

126	Wilkinson	States that that would be illegal and highly unlikely.
127	Rep. Beyer	Asks if a grader is standard equipment.
133	Wilkinson	Replies that graders are standard equipment and commonly owned by farmers.
137	Rep. Beyer	Asks whether these graders are commonly licensed.
140	Wilkinson	Responds that road graders are considered farm machinery, and thus not subject to licensing.
144	Rep. Nelson	Asks about liability and law violations in regard to farm machinery.
174	Doug Tindall	Oregon Department Of Transportation (ODOT). Clarifies that she may be liable, although not necessarily illegal.
195	Chair Kropf	Closes the public hearing on HB 2634, and adjourns the meeting at 1:50 PM.

EXHIBIT SUMMARY

A – HB 2203, -2 amendments, staff, 1 p.

B – HB 2203, -1 amendments, staff, 1 p.

C – HB 2203, written testimony, Glen Stonebrink, 1 p.

D – HB 2634, written testimony, Representative Jeff Kropf, 3 pp.