

**HOUSE COMMITTEE ON**  
**AGRICULTURE AND NATURAL RESOURCES**

February 06, 2003 Hearing Room D  
1:00 PM Tapes 19 - 22

**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

**MEASURES HEARD:** HB 2344 – Public Hearing  
HB 2396 – Public Hearing  
HB 2260 – Public Hearing and Work Session

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 19, A</b>		
003	Chair Kropf	Calls the meeting to order at 1:04 and opens a public hearing on HB 2344.
<b><u>HB 2344 – PUBLIC HEARING</u></b>		
027	Ray Kelly	Summarizes HB 2344.
033	Rep. Bob Jenson	Co-sponsor states reasons, intentions for sponsoring HB 2344. States pro-activity of this legislation as important to control future fire damage.
087	Rep. Nelson	Asks if this legislation is meant to address the entire salvage program.
099	Rep. Jenson	Confirms that this legislation is meant to address all circumstances.
109	Rep. Nelson	Asks if the dispute with salvage logging has been addressed.
124	Chair Kropf	Emphasizes that this legislation should take effect immediately. Asks witness if the word <i>immediately</i> is appropriate or whether it should be defined.
133	Rep. Jenson	States his desire not to get bogged down with definitions. Asserts that Webster's definition will suffice.
134	Roy Elicker	Deputy Director, Oregon Division of Fish and Wildlife (ODFW). Supplies neutral informational testimony regarding HB 2344. Submits <b>(EXHIBIT A)</b> and states concerns with federal laws and requirements.
178	Chair Kropf	Asks witnesses to give the historic background of this issue.
198	Craig Ely	Points out the letter written to Rep. Jenson regarding salvaging the Bridge Creek Fire burn contained in <b>(EXHIBIT A)</b> . Details the genesis of HB 2344.
276	Elicker	Calls attention to Attachment B contained in <b>(EXHIBIT A)</b> to

		go ahead with logging proposal.
286	Chair Kropf	Asks when Ely expects to hear back from ODFW.
288	Ely	Responds that ODFW anticipates the approvals within a couple weeks.
297	Rep. Hunt	References the letter to Rep. Jenson. Asks for Ely's environmental assessment.
304	Ely	Responds that environmental assessment was done by an assessor, and that it is not ODFW's area of jurisdiction.
317	Chair Kropf	Asks how we can tighten up the process as to waste less time in the future.
347	Elicker	Suggests that ODFW should work more closely with the Department of Forestry.
372	Chair Kropf	Suggests a meeting to streamline this process, which is what this legislation is attempting to do. Asks if we have a value assessment yet.
393	Ely	Responds that the value has definitely deteriorated, by perhaps 30-40%.
400	Rep. Beyer	Asks if there would have been a shortcut had this policy been in place before.
412	Elicker	States that we could have cut some time.
417	Rep. Nelson	Asks if private contractors could have expedited the process.
 <b>TAPE 20, A</b>		
008	Elicker	Responds that legal restrictions may have hindered that process.
014	Chair Kropf	Recapitulates the problems with other legislation and regulatory issues.
019	Elicker	Offers to serve on a work group to address this problem.
024	Chair Kropf	Asks why OPRD was allowed to salvage property when OFWD was not.
027	Elicker	Clarifies misunderstanding about the process which followed the Bridge Creek fire.
038	Chair Kropf	Asks if OPRD's property was paid for with federal dollars.
042	Elicker	Affirms that it was.
044	Rep. Smith	Asks if there is an end time to the salvage time.
047	Ely	Refers this question to forestry.
051	Rep. Nelson	Asks if there is an emergency clause to help with this issue.
056	Elicker	States that he is not aware of any.
080	Ted Lorensen	Oregon Department of Forestry (ODF). States the need to actively manage forests and ecosystems. Submits <b>(EXHIBIT B)</b> . Expands on the forestry issues inherent in HB 2344 as well as the concerns of ODF.
134	Chair Kropf	Asks if this legislation could contradict federal legislation.
138	Lorensen	States that he doesn't believe so.
144	Rep. Smith	Asks whether there is an end to the time when we can salvage.
149	Dan Mink	Responds to Rep. Smith's concern that it varies on a case-by-case basis.
159	Rep. Smith	Asks for a timeline as to when the wood becomes unmarketable.
164	Mink	Responds that it will become unmarketable in about two years.
168	Chair Kropf	Talks about his tour of the burn area. Asks Mink to talk about the process of fungus destroying the timber.
178	Mink	Discusses the blue stain fungus
185	Chair Kropf	Asks if the loss of the timber accelerates in the second year.
197	Mink	Affirms that it accelerates exponentially.

198	Rep. Nelson	Asks where and when the delays occurred?
202	Lorensen	Explains the intricacies of the federal process and analyses.
234	Rep. Nelson	States her belief that the federal government is responsible for 90% of the hold ups.
239	Lorensen	Suggests that the 90% figure might be a little high, but remarks that ODF has sent their concerns to federal government.
254	Chair Kropf	Announces that he's preparing a resolution for congress to advise the federal government and asks how we'll be removing the dead or dying trees.
278	Mink	Responds to the process of this sale.
287	Chair Kropf	Asks Mink to expand on the determination between hot fires and a fast-moving fire.
306	Mink	Responds to required quotas and how they relate to the processes.
323	Lorensen	Details the requirements of the Forest Practices Act.
340	Chair Kropf	Refers to <b>(EXHIBIT B)</b> and asks if the rule-making process is consistent and adequate.
349	Lorensen	Responds that ODF could live with anything that doesn't increase the process.
357	Chair Kropf	Asks if it would be a burden for ODF to alter their timelines
376	Lorensen	Addresses the funding of ODF and the associated costs of operation.

#### **TAPE 19, B**

002	Steve Purchase	Submits written testimony <b>(EXHIBIT C)</b> and states that if the committee decides to proceed with work on this bill, the Division of State Lands wishes to serve on a work group.
031	Chair Kropf	States that he'd like to see the process expedited.
034	Dave Barrows	Representing Association of Oregon and California Counties. Testifies in support of HB 2344. States that although his organization is not personally affected, the issue itself is vital to their interests. Testifies that this bill would help to retain many of our precious resources.
072	Chair Kropf	States concern with potential lost revenue down the road.
081	Barrows	Concurs with Chair Kropf. Adds that the spread of disease is a vital issue involved in this legislation.
093	Stephen Kafoury	Audubon Society. States that a coalition would be a better way to address some of the subtleties inherent in this legislation.
111	Avelyn Taylor	Audubon Society. Submits <b>(EXHIBIT D)</b> . Offers that while economics have been addressed, we also need to address the fragile life still alive in the forest despite the burns.
154	Rep. Hunt	Asks for clarification on the harvesting of burned timber and asks of the Audubon Society feels that safeguards are necessary.
162	Kafoury	Addresses concerns and states that they are impressed with Chair's sensitivity.
171	Jerod Broadfoot	Gives insight into the nature and response to the Bridge Creek Fire. States that salvage logging has many positive uses.
230	Chair Kropf	Closes the public hearing on HB 2344 and opens a public hearing on HB 2396.

#### **HB 2396 – PUBLIC HEARING**

258	Ray Kelly	Summarizes HB 2369.
261	Rep. Betsy Close	Submits <b>(EXHIBIT E)</b> in support of HB 2396. States that the legislation will benefit pest extermination companies.
294	Rep. Wirth	Asks if ODA will be able to submit its report on time.

299	Rep. Close	States that the information, which states that they were granted an extension, was taken off the internet.
310	Rep. Wirth	States understanding that the extension is due to the lack of funding from the legislative body.
314	Rep. Close	Understands the extension the same way.
317	Rep. Hunt	References the previous bill. Asks why we are looking at a recommendation contrary to that which was recommended by the stakeholder group.
338	Rep. Close	Responds that she's representing the interests of her constituents, which were not represented by the stakeholder group.
350	Rep. Smith	States concern with filing by computers.
353	Rep. Close	Responds with hiring concerns.
363	Rep. Smith	Resubmits concern about accessibility to computers.
382	Chair Kropf	States a conflict of interest on this legislation, but that he understands the technological problems faced by his constituents.
403	Rep. Beyer	States concern that we have no precedent for how this works and questions why we would change the system before the results were in.
417	Rep. Close	Addresses that California has had a similar situation for fifteen years and has not yielded positive results.
435	Rep. Beyer	Follows up that she's interested in specificity and that she's concerned that this legislation would broaden the scope too much.
439	Rep. Close	Responds that businesses have concerns with environmental harassment.
<b>TAPE 20, B</b>		
002	Rep. Wirth	Asks how large a geographic area that this could potentially expand to.
010	Rep. Close	Responds with the number of watersheds and states computer technology concerns.
022	Rep. Wirth	Asks if there's a maximum allowable number of zip codes.
031	Rep. Close	Responds that she can't answer that question.
036	Rep. Wirth	Asks how we can allow scientific researchers to do their job.
042	Rep. Close	Responds that maybe we need to streamline the paperwork.
045	Matt Blevins	Oregon Environmental Council. Submits <b>(EXHIBIT F)</b> . States support for the first provision of this bill, but strong opposition to the second provision of this bill. Believes that this legislation compromises effectiveness of the pesticide reporting program.
126	Chair Kropf	Asks Blevins how computer reporting would affect the cost of this process.
133	Blevins	Says that this figure wouldn't be in place of but in addition to the web base.
140	Rep. Wirth	Asks Blevins whether computer reporting might be a problem.
144	Blevins	Responds that it should not and that paper reporting would still be an option.
147	Rep. Wirth	Asks if Rep. Close's concerns stem from a lack of funding from the legislature.
149	Blevins	Responds affirmatively.
154	Rhett Lawrence	OSPIRG. Supports the paper reduction requirement, but states concerns that the passage of this bill would chip away at the effectiveness of current regulations. Submits <b>(EXHIBIT G)</b> as OSPIRG's testimony.
206	Courtnei Dresser	Oregon Advocacy Manager, American Cancer Society. Submits <b>(EXHIBIT H)</b> in opposition to HB 2396 as it will compromise the health of many Oregonians.

236	Rep. Hunt	Restates that all three groups favor a smaller area, but will live with the larger area.
244	Dresser	Agrees with Rep. Hunt.
246	Lawrence	Agrees with Rep. Hunt.
248	Blevins	Agrees with Rep. Hunt.
249	Rep. Hunt	Addresses Rep. Closes concern with eco-terrorism. Asks if this has been an issue in California.
269	Blevins	States an understanding that there are no documented cases regarding harassment due to this program.
282	Rep. Wirth	Asks Blevins if the larger geographical area could lead to false reporting.
289	Blevins	Responds that it's not yet clear.
292	Rep. Wirth	Asks if Blevins sees any maximum allowable jurisdictions.
294	Blevins	States that it is open to interpretation.
316	Chair Kropf	Asks Dresser what a smaller jurisdiction would do for the American Cancer Society.
323	Dresser	Attests to having limited understanding and recommends that she might return with the correct information.
340	Blevins	Adds understanding that specificity adds to a greater reliability of information.
353	Chair Kropf	Asks about concerns regarding water contamination issues
361	Blevins	States that he doesn't want to see a witch-hunt. Recommends education as the best remedy.
374	Chair Kropf	Asks if specific addresses run contrary to the provisions of the law.
388	Lawrence	Responds that he raised the point to show that compromises had been reached. Restates that broadening the law would make it less effective.
390	Chair Kropf	Closes the public hearing on HB 2344 and opens a public hearing on HB 2260.

**HB 2260 – PUBLIC HEARING**  
**TAPE 21, A**

005	Lindsay Ball	Submits <b>(EXHIBIT I)</b> , written information on HB 2260-the summary on staffing status and town hall budget meeting votes.
038	Rep. Smith	Asks for confirmation that there were 1000 people which attended the town hall meetings.
041	Ball	Attests that 660 attended the meetings and that ODFW received over 300 additional responses in addition.
050	Rep. Nelson	State Rep. HD 24. States that there are many other ways that we could handle this problem. Adds that this legislation could be amended to address the residence requirements and veteran exemptions. Testifies in opposition to HB 2260.
132	Chair Kropf	Asks Rep. Nelson to address some of these issues in separate bills.
140	Chair Kropf	Closes the public hearing on HB 2260 and opens a work session on HB 2260.

**HB 2260 – WORK SESSION**

158	Chair Kropf	Points out that this bill will probably be amended at a later date to address the concerns of the outfitters.
170	Rep. Nelson	<b>MOTION: Moves HB 2260 to the floor WITHOUT RECOMMENDATION as to passage and BE</b>

**REFERRED to the committee on Ways and Means by prior reference.**

173	Chair Kropf	Affirms his desire to pass HB 2260 without recommendation.
170	Rep. Smith	States deep concern for this legislation. Will vote to move this bill out of committee as a courtesy only.
175	Rep. Beyer	Asks whether the bill goes to the Senate after it goes to Ways and Means.
178	Chair Kropf	Affirms that it does.
179	Rep. Hunt	Reaffirms Rep. Nelson's procedural concern. Provides that he wants to go on record as commending ODFW and wants HB 2260 to pass the bill with a DO PASS recommendation.
205	Rep. Wirth	Wants to go on record as enthusiastically supporting this bill. Believes that the wealth of personal testimony attests to the will of the people. Also recommends a DO PASS recommendation.
228	Rep. Gilman	States that he will give a courtesy vote, but that he's not sure of how he will vote on the floor.
248	Chair Kropf	Asks for an informal poll on a DO PASS recommendation.
249	Rep. Beyer	States that she would vote for a DO PASS.
250	Rep. Nelson	States that she would not vote for a DO PASS.
252	Chair Kropf	Also asserts that he is not in favor of a DO PASS recommendation.
<b>257</b>		<b>VOTE: 7-0</b>
260	<b>Chair Kropf</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
261	Chair Kropf	Closes the work session on HB 2260. Passes the gavel to Vice-Chair Gilman, who reopens a public hearing on HB 2296.

**HB 2396 – PUBLIC HEARING**

262	Katie Fast	Oregon Cattlemen's Association. States concerns about confidentiality and the difficulty in compliance regarding pesticide use reporting inherent in HB 2396.
292	Rep. Wirth	Asks if there are present difficulties complying with the current law.
296	Fast	Responds that there are serious problems with reporting.
361	Brad Witt	Secretary-Treasurer, AFL-CIO. Submits <b>(EXHIBIT J)</b> and expresses strong opposition to HB 2396 as it jeopardizes the safety and health of workers by rendering the data meaningless.

**TAPE 22, A**

005	Rep. Nelson	Asks Witt to explain how this issue would currently be handled.
013	Witt	Responds that it's difficult as the safeguards are being eroded.
019	Rep. Nelson	Responds that there are adequate protections already.
027	Witt	Responds that the problem is with the post-application phase and that workers have no basis to know beforehand and no knowledge that there is even a reason to take precaution.
043	Rep. Hunt	Asks for a sampling of the make-up of the work group.
049	Witt	Responds that the work group was well represented by groups with varying concerns, including both users and environmental agencies.
057	Rep. Hunt	Asks if there was a general agreement on parameters.
063	Witt	Agrees.
068	Rep. Hunt	Asks which end of the debate that Witt was on and whether he supports the decision.
070	Witt	Concedes that he was on the losing end of the debate, but that he does support the decision.
080	Terry Witt	Executive Director, Oregonians for Food and Shelter (OFS).

262	Rep. Wirth	Submits <b>(EXHIBIT K)</b> . Discusses the three proposed changes which HB 2396 addresses and OFS' concerns with this legislation
		Asks how much Witt feels that it would cost to implement the changes in this bill.
269	T. Witt	States that he does not know the exact figures.
298	Rep. Wirth	Asks if OFS is advocating for full funding of the original system as soon as possible.
300	T. Witt	Answers affirmatively.
302	Rep. Wirth	Asks if OFS would advocate for passage if the fiscal impact was significant.
305	T. Witt	States that he doesn't think that we have the money.
308	Rep. Hunt	Asks for Witt to clarify his position.
330	T. Witt	Responds that OFS was given two choices and chose the best one.
336	Rep. Hunt	Asks who imposed the choice.
338	T. Witt	Answers that the decision was one of a series, and not a consensus among the group.
390	Dr. Mel Kohn	State Epidemiologist, Oregon Department of Human Services. Submits <b>(EXHIBIT L)</b> and reaffirms earlier oppositions to HB 2396 as a health hazard.
401	Vice-Chair Gilman	Adjourns the meeting at 3:53 PM.

#### **EXHIBIT SUMMARY**

**A – HB 2344, written testimony, Roy Elicker, 10 pp.**  
**B – HB 2344, written testimony, Ted Lorensen, 9 pp.**  
**C – HB 2344, written testimony, Steve Purchase, 1 p.**  
**D – HB 2344, written testimony, Avelyn Taylor, 2 pp.**  
**E – HB 2396, written testimony, Betsy Close, 1 p.**  
**F – HB 2396, written testimony, Matt Blevins, 23 pp.**  
**G – HB 2396, written testimony, Lindsay Ball, 35 pp.**  
**J – HB 2396, written testimony, Brad Witt, 4 pp.**  
**K – HB 2396, written testimony, Terry Witt, 2 pp.**  
**L – HB 2396, written testimony, Mel Kohn, 2 pp.**