

SENATE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

April 9, 2003
9:00 a.m.

Hearing Room B
Tapes 64 - 65

MEMBERS PRESENT: **Sen. Frank Shields, Chair**
 Sen. Roger Beyer, Vice-Chair
 Sen. Tony Corcoran
 Sen. Bill Fisher

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 576 – Public Hearing**
 HB 2533A – Public Hearing and Work Session
 SB 594 – Public Hearing
 SB 595 – Public Hearing
 SB 597 – Public Hearing
 SB 674 – 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 64, A		
005	Chair Shields	Calls meeting to order at 9:06 a.m. Opens public hearing on SB 576.
<u>SB 576 – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Presents overview of SB 576, which requires Independent Multidisciplinary Science Team to accept input and opinions from nonmember scientists with certain expertise when discussing potential official action of team.
015	Rich Angstrom	Oregon Concrete Aggregate Producers Association (OCAPA). Testifies in support of SB 576. Submits written testimony (EXHIBIT A) . Discusses research report by Legislative Counsel regarding Independent Multidisciplinary Science Team (IMST) compliance with public meeting laws (EXHIBIT B) . Describes IMST recommendations made under the Oregon Plan for Salmon and Watersheds (Oregon Plan). Discusses confidentiality issues.
170	Dr. Stan Gregory	Co-chair IMST; Fisheries and Wildlife Department, Oregon State University (OSU). Provides background of the IMST. Discusses charter formed for the research group and efforts to comply with Oregon's open meeting law. Discusses contentious nature of the issues considered by the team and confidentiality.
250	Chair Shields	Asks whether the team publishes information that the reports are being reviewed.
255	Gregory	Explains the fact of review is published, along with the name of the reviewer, if available. Offers to provide specific information if not confidential and to accept any input on the issues being considered.
290	Chair Shields	Asks about appropriateness of sharing draft materials.

305	Gregory	Responds there is a risk that information and discussions would be sharply constrained. Continues some draft sections are used as preliminary information but are incomplete or too general.
340	Sen. Fisher	Compares experience of drafting legislation.
345	Gregory	Discusses process of synthesizing research to produce a report.
355	Chair Shields	Clarifies whether debate is open and whether materials being discussed are shared with the public.
370	Gregory	Confirms and explains the meetings are open and public with published agendas and notice.
390	Sen. Beyer	Asks about statutory exemption for keeping draft material out of the public record.
405	Gregory	Explains it was put in the charter, which was reviewed by the Governor's Natural Resources Office and by the Joint Stream Restoration and Species Recovery Committee.
410	Chair Shields	Asks about review process.
TAPE 65, A		
005	Gregory	Discusses legislative review of the established process.
010	Sen. Beyer	Comments on statutory language referencing confidentiality of drafts.
015	Sen. Fisher	Suggests the team's material does not fall within the exemption.
020	Chair Shields	Asks how independent the IMST should be, and whether it will truly be independent if draft materials are made available.
040	Gregory	Emphasizes that IMST will accept any input regarding legality and application of open meetings law. Advises the goal is for the process to be open, legal and of service to the state.
060	Dr. Richard Shepard	OCAPA; Applied Ecosystem Services Inc.; specialist in river ecology and fluvial geomorphology. Discusses experiences in attending IMST meetings. Explains the meeting was ineffective, because he had no opportunity to review any written material being discussed and could not make any meaningful comment. Suggests the team should accept input from all scientific disciplines.
095	Chair Shields	Asks whether it would be helpful if he had been one of the reviewers, or if the team made sure all stakeholders were consulted and offered a chance to review.
115	Sen. Beyer	Predicts there would be criticism that IMST is hand-picking people to provide reviews.
130	Sen. Fisher	Recommends making the whole process more open.
150	Shepard	Explains the bill is actually asking for non-member scientists to be more involved in the process. Suggests the process would be more credible.
170	Chair Shields	Closes public hearing on SB 576. Opens public hearing on HB 2533A.

HB 2533A – PUBLIC HEARING

180	Judith Callens	Committee Administrator. Presents overview of HB 2533A, which exempts propane produced by process other than refining crude oil and for nonvehicle use from payment of part of fee for possession of hazardous substances.
200	Rep. Mitch Greenlick	District 33; Chair of work group which created the legislation. Testifies in support of HB 2533A. Discusses background of the issue resulting from three DEQ programs and the fees which support them: <ul style="list-style-type: none"> • Toxic Use Reduction program

- Community Right to Know program
- Orphan Site Cleanup program

280 Lana Butterfield Explains propane holders pay disproportionately high fees for toxic use reduction program. Discusses fee structure. Northwest Propane Gas Association. Testifies in support of HB 2533A. Submits written testimony (**EXHIBIT C**).

285 Chair Shields Closes public hearing on HB 2533A. Opens work session on HB 2533A.

HB 2533A – WORK SESSION

300 Sen. Beyer

MOTION: Moves HB 2533A to the floor with a DO PASS recommendation.

305

VOTE: 4-0

Chair Shields

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

SEN. BEYER will lead discussion on the floor.

325 Chair Shields

Closes work session on HB 2533A. Opens public hearing on SB 594.

SB 594 – PUBLIC HEARING

330 Judith Callens

Committee Administrator. Presents overview of SB 594, which creates Task Force on Land Conservation Programs.

332 Chair Shields

Closes public hearing on SB 594. Opens public hearing on SB 595.

SB 595 – PUBLIC HEARING

335 Judith Callens

Committee Administrator. Presents overview of SB 595, which creates Task Force on Federal Forest Programs.

337 Chair Shields

Closes public hearing on SB 595. Opens public hearing on SB 597.

SB 597 – PUBLIC HEARING

340 Judith Callens

Committee Administrator. Presents overview of SB 597, which requires person to hold shellfish license to take shellfish.

342 Chair Shields

Closes public hearing on SB 597. Opens public hearing on SB 674.

SB 674 – PUBLIC HEARING

345 Judith Callens

Committee Administrator. Presents overview of SB 674, which repeals petition and referendum statutes pertaining to Oregon Beef Council.

350 Chair Shields

Closes public hearing on SB 674. Adjourns the committee at 9:57 a.m.

EXHIBIT SUMMARY

A – SB 576, written testimony, Rich Angstrom, 2 pp

B – SB 576, legal research memo, Rich Angstrom, 2 pp

C – HB 2533A, written testimony, Lana Butterfield, 3 pp