

SENATE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

May 21, 2003
8:00 A.M.

Hearing Room HR B
Tapes 73 - 74

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 385 – Work Session**
 SB 597 – Work Session
 HB 2138A – Public Hearing and Work Session
 HB 2606A – Public Hearing and Work Session
 HB 2521A – Public Hearing and Work Session
 HB 2915 – Public Hearing and Work Session
 HB 3175A – Public Hearing and Work Session
 HB 2945A – Public Hearing and Work Session
 HB 2887A – Public Hearing and Work Session
 HB 2344A – Public Hearing and Work Session
 HB 3152A – Public Hearing and Work Session
 HB 3376A – Public Hearing and Work Session

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 73, A		
005	Chair Shields	Calls the meeting to order at 8:22 a.m. Opens work session on SB 385.
<u>SB 385 – WORK SESSION</u>		
010	Judith Callens	Committee Administrator. Presents overview of SB 385, which provides that prosecution for crime that constitutes ecosabotage may be commenced at any time after commission of offense. Presents -3 amendments dated 5-12-03 (EXHIBIT A).
055	Sen. Ted Ferrioli	District 30. Testifies in support of SB 385 and -3 amendments. Reviews need for protection of research facilities and habitat restoration projects. Discusses increased statute of limitations.
070	Sen. Corcoran	Comments the district attorneys endorse the bill.
075	Chair Shields	Comments on discussions with field personnel about need for protection.
080	Sen. Beyer	MOTION: Moves to ADOPT SB 385-3 amendments dated 05/12/03.
		VOTE: 4-0
	Chair Shields	Hearing no objection, declares the motion CARRIED.
085	Sen. Beyer	MOTION: Moves SB 385 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0

	Chair Shields	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
095	Chair Shields	SEN. FERRIOLI will lead discussion on the floor.
<u>SB 597 – WORK SESSION</u>		
100	Judith Callens	Closes work session on SB 385. Opens work session on SB 597.
		Committee Administrator. Presents overview of SB 597, which requires person to hold shellfish license to take shellfish. Discusses -1 amendments dated 4-14-03 (EXHIBIT B) and -2 amendments dated 4-30-03 (EXHIBIT C).
140	Sen. Corcoran	MOTION: Moves to ADOPT SB 597-1 amendments dated 4/14/03.
		VOTE: 4-0
	Chair Shields	Hearing no objection, declares the motion CARRIED.
145	Sen. Corcoran	MOTION: Moves SB 597 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 4-0
	Chair Shields	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
170	Chair Shields	Closes work session on SB 597. Opens public hearing on HB 2138A and HB 2606A.
<u>HB 2138A and HB 2606A – PUBLIC HEARING</u>		
175	Judith Callens	Committee Administrator. Presents overview of HB 2138A, which defines terms for purposes of Oregon Plan. Presents overview of HB 2606A, which defines terms for purposes of salmon and trout enhancement program (STEP).
195	Rep. Bob Jenson	District 58. Testifies in support of HB 2138A and HB 2606A. Discusses activities of Salmon Recovery Task Force.
320	Les Helgeson	Native Fish Society. Testifies in support of HB 2138A and HB 2606A.
345	Ed Bowles	Fish Division Administrator, Oregon Department of Fish and Wildlife (ODFW). Testifies in support of HB 2138A and HB 2606A. Explains interaction with Native Fish Conservation Policy.
370	Chair Shields	Asks about membership of task force.
375	Bowles	Discusses expertise of agency members and interested stakeholders.
405	Chair Shields	Comments the broad-based work group had a chance to discuss the issue fully.
410	Chair Shields	Closes public hearing on HB 2138A and HB 2606A. Opens work session on HB 2138A.
<u>HB 2138A – WORK SESSION</u>		
415	Sen. Beyer	MOTION: Moves HB 2138A to the floor with a DO PASS recommendation.
		VOTE: 3-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Shields	EXCUSED: 1 - Corcoran
		The motion CARRIES.
		SEN. BEYER will lead discussion on the floor.
420	Chair Shields	Closes work session on HB 2138A. Opens work session on HB 2606A.

HB 2606A – WORK SESSION

425 Sen. Beyer

MOTION: Moves HB 2606A to the floor with a DO PASS recommendation.

VOTE: 3-0

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

EXCUSED: 1 - Corcoran

The motion CARRIES.

SEN. BEYER will lead discussion on the floor.

Chair Shields

TAPE 74, A

015 Chair Shields

Closes work session on HB 2606A. Opens public hearing on HB 2521A.

HB 2521A – PUBLIC HEARING

020 Judith Callens

Committee Administrator. Presents overview of HB 2521A, which establishes Southwest Oregon Landowner Preference Pilot Program to provide landowner preference tags for taking elk on certain land, effective July 1, 2004, to June 30, 2008.

040 Ron Anglin

ODFW. Testifies in support of HB 2521A. Submits written testimony (**EXHIBIT D**).

050 Greg Addington

Oregon Farm Bureau. Testifies in support of HB 2521A. Submits written testimony (**EXHIBIT E**).

085 Chair Shields

Asks about process of tracking tags.

090 Addington

Discusses different possible problems still to be addressed.

095 Anglin

Comments the key is flexibility in working with landowners for issuing tags and adjusting seasons.

100 Sen. Beyer

Clarifies there are four changes:

- Land owned, leased or rented
- No limit on number of tags
- No minimum acreage
- Allow landowners to register any time

125 Chair Shields

Closes public hearing on HB 2521A. Opens work session on HB 2521A.

HB 2521A – WORK SESSION

130 Sen. Beyer

MOTION: Moves HB 2521A to the floor with a DO PASS recommendation.

VOTE: 4-0

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

SEN. CORCORAN will lead discussion on the floor.

Chair Shields

135 Chair Shields

Closes work session on HB 2521A. Opens public hearing on HB 2915.

HB 2915 – PUBLIC HEARING

140 Judith Callens

Committee Administrator. Presents overview of HB 2915, which modifies membership and method of appointment of Oregon Forest Resources Institute (OFRI) board of directors.

145 Ray Wilkeson

Oregon Forest Industries Council (OFIC). Testifies in support of HB 2915. Discusses constitutional issues facing the OFRI.

175 Barte Starker

OFRI Board. Testifies in support of HB 2915. Submits written testimony and brochure (**EXHIBITS F, G**). Discusses need to align board structure with updated requirements stemming from federal court decisions. Explains OFRI needs to be less vulnerable to legal challenges.

The following prepared testimony is submitted for the record without public testimony for HB 2915:

Ted Lorenson

Department of Forestry. Submits written testimony (**EXHIBIT H**).

265 Chair Shields

Closes public hearing on HB 2915. Opens work session on HB 2915.

HB 2915 – WORK SESSION

270 Sen. Beyer

MOTION: Moves HB 2915 to the floor with a DO PASS recommendation.

VOTE: 3-0

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

EXCUSED: 1 – Corcoran

The motion CARRIES.

SEN. SHIELDS will lead discussion on the floor.

Chair Shields

280 Chair Shields

Closes work session on HB 2915. Opens public hearing on HB 3175A.

HB 3175A – PUBLIC HEARING

320 Judith Callens

Committee Administrator. Presents overview of 3175A, which modifies the Green Permit program.

340 John Ledger

Associated Oregon Industries (AOI). Testifies in support of HB 3175A. Discusses Green Permits program, voluntary agreements between the Department of Environmental Quality (DEQ) and a company. Explains the measure postpones the sunset on the existing program until the end of 2008.

380 Lauri Aunan

DEQ. Testifies in support of HB 3175A.

400 Chair Shields

Asks how consensus was reached.

405 Ledger

Discusses how adversarial issue was overcome by including all interested parties who thoroughly discusses the issues and gained trust.

410 Aunan

Explains further efforts to include all interested participants.

TAPE 73, B

010 Chair Shields

Asks whether the program can expand.

015	Ledger	Explains the experimental development of the program has taken time. Discusses streamlining of program since inception.
020	Aunan	Responds Oregon has been a model for a national program. Explains that with new budget the agency lost green permits program coordinator so extending sunset gives the program a chance to remain in place until resources are developed
030	Chair Shields	Closes public hearing on HB 3175A. Opens work session on HB 3175A.

HB 3175A – WORK SESSION

040	Sen. Beyer	MOTION: Moves HB 3175A to the floor with a DO PASS recommendation.
		VOTE: 4-0
	Chair Shields	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
		SEN. SHIELDS will lead discussion on the floor.
045	Chair Shields	Closes work session on HB 3175A. Opens public hearing on HB 2945A.

HB 2945A – PUBLIC HEARING

050	Judith Callens	Committee Administrator. Presents overview of HB 2945A, which allows the State Department of Geology and Mineral Industries (DOGAMI) to impose conditions on new or existing surface mining operating permit necessary to mitigate off-site effects to ground water resources caused by removal of water from surface mine.
055	Gary Lynch	Assistant Director, DOGAMI. Testifies in support of HB 2945A. Discusses agency work with industry and the Water Resources Department (WRD) to reach consensus.
065	Rich Angstrom	Oregon Concrete Aggregate Producers Association (OCAPA). Testifies in support of HB 2945A. Submits written testimony (EXHIBIT I) .
070	Adam Sussman	WRD. Discusses overlapping jurisdiction between WRD and DOGAMI. Explains streamlining in bill. Describes current uncertainty whether water right permit is required for dewatering a surface mine. Expresses WRD support. Submits written testimony (EXHIBIT J) .
075	Chair Shields	Closes public hearing on HB 2945A. Opens work session on HB 2945A.

HB 2945A – WORK SESSION

085	Sen. Beyer	MOTION: Moves HB 2945A to the floor with a DO PASS recommendation.
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VOTE: 3-0

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

EXCUSED: 1 – Corcoran

The motion CARRIES.

SEN. FISHER will lead discussion on the floor.

Chair Shields

090 Chair Shields

Closes work session on HB 2945A. Opens public hearing on HB 2887A.

HB 2887A – PUBLIC HEARING

095 Judith Callens

Presents overview of HB 2887A, which adds the definition of point source and nonpoint source for purposes of water pollution statutes.

105 Katie Fast

Oregon Cattlemen’s Association. Testifies in support of HB 2887A. Submits written testimony (**EXHIBIT K**).

130 Jean Wilkinson

Oregon Farm Bureau Federation. Testifies in support of HB 2887A. Discusses water quality regulations as applied to agricultural industry.

145 Karen Tarnow

Water Quality Division, DEQ. Testifies as neutral on bill. Concurs with statement that water quality standards will be easier to use.

155 Chair Shields

Asks about change to DEQ workload or policies.

160 Tarnow

Clarifies may make it easier for public to reference the Clean Water Act (CWA) statute.

175 Chair Shields

Closes public hearing on HB 2887A. Opens work session on HB 2887A.

HB 2887A – WORK SESSION

200 Sen. Beyer

MOTION: Moves HB 2887A to the floor with a DO PASS recommendation.

VOTE: 4-0

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

The motion CARRIES.

SEN. CORCORAN will lead discussion on the floor.

Chair Shields

210 Chair Shields

Closes work session on HB 2887A. Opens public hearing on HB 2344A.

HB 2344A – PUBLIC HEARING

215 Rep. Jeff Kropf

District 17. Testifies in support of HB 2344A, which directs state agencies to adopt and implement policies and management plans to restore and recover forestlands burned by fire. Submits written testimony (**EXHIBIT L**). Discusses need for a policy requiring all state agencies with oversight of state forest lands to have reforestation plan in place. Explains the bill directs each agency to adopt policies.

265 Sen. Fisher

Asks about location of the burned forest toured by Rep. Kropf.

270 Rep. Kropf

Explains.

285 Bill Kluting

Western Council of Industrial Workers. Testifies in support of HB 2344A. Points out forest health is necessary for saving mills and jobs, and saving timber by recovery is a must to maintain economy. Also expresses support for HB 3152A.

300 Chair Shields

Closes public hearing on HB 2344A. Opens work session on HB 2344A.

HB 2344A – WORK SESSION

305 Sen. Beyer

MOTION: Moves HB 2344A to the floor with a DO PASS recommendation.

VOTE: 4-0

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

SEN. FISHER will lead discussion on the floor.

315 Chair Shields Closes work session on HB 2344A. Opens public hearing on HB 3152A.

HB 3152A – PUBLIC HEARING

330 Judith Callens Committee Administrator. Presents overview of HB 3152A, which directs certain state agencies to adopt forest management plans that address forest health and forest fuel accumulation.

335 Chair Shields Acknowledges support previously expressed by Mr. Kluting.

350 Chair Shields Closes public hearing on HB 3152A. Opens work session on HB 3152A.

HB 3152A – WORK SESSION

355 Sen. Beyer **MOTION: Moves HB 3152A to the floor with a DO PASS recommendation.**

VOTE: 4-0

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

SEN. BEYER will lead discussion on the floor.

365 Chair Shields Closes work session on HB 3152A. Opens public hearing on HB 3376A.

HB 3376A – PUBLIC HEARING

370 Judith Callens Committee Administrator. Presents overview of HB 3376A, which directs Public Utility Commission (PUC) to set date on which electric companies must announce prices that will be charged for electricity in subsequent calendar year.

385 Joe Gilliam Oregon Grocers Association (OGA). Testifies in support of HB 3376A. Discusses need of grocery industry for predicting electricity prices to aid the budget process. Clarifies this changes “three days” to “three business days.” Explains buyers would receive estimated rates five days out, which aids retail community making decisions as consumers.

TAPE 74, B

010 Lee Beyer PUC Commissioner. Testifies in opposition to HB 3376A. Explains PUC is trying to make SB 1149 (1999) work to provide direct access for customers. Discusses Commission efforts to deal with cost transfer charges. Acknowledges there has been an issue with the time frame. Discusses study group work with industry on notice. Describes how posting of estimated rate would not be accurate.

060 Sen. Beyer Asks about “indicative price.”

065 Gilliam Explains it is an industry term of art meaning predicted or estimated price. Explains the three business days is a minimum.

081 Chair Shields Asks why a utility would post the price on Friday afternoon.

085 L. Beyer Explains the utility wants the shortest possible open time frame. Discusses difficulties in making the bill work. Recommends rule-making authority instead, to allow PUC ability to adjust more easily.

105 Chair Shields Asks why Commission doesn’t already have the rule in place.

110 L. Beyer Explains the Commission has been developing rules, keeping in mind the industry request for utilities to enter and leave the open market. Discusses how the market gyrated up and down dramatically in 2000-2001, and is starting to do so again.

150	Gilliam	Explains some aspects of pricing issues have already been taken out.
160	Chair Shields	Closes public hearing on HB 3376A. Opens work session on HB 3376A.
<u>HB 3376A – WORK SESSION</u>		
165	Sen. Beyer	MOTION: Moves HB 3376A to the floor with a DO PASS recommendation.
		VOTE: 4-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Shields	The motion CARRIES.
		SEN. BEYER will lead discussion on the floor.
170	Chair Shields	Closes work session on HB 3376A. Adjourns the committee at 9:58 a.m.

EXHIBIT SUMMARY

A – SB 385, -3 amendments (5-12-03), staff, 2 pp
B – SB 597, -1 amendments (4-14-03), staff, 2 pp
C – SB 597, -2 amendments (4-30-03), staff, 2 pp
D – HB 2521A, written testimony, Ron Anglin, 2 pp
E – HB 2521A, written testimony, Greg Addington, 1 p
F – HB 2915, written testimony, Barte Starker, 3 pp
G – HB 2915, brochure “Fire in Oregon’s Forests,” Barte Starker, 20 pp
H – HB 2915, written testimony, Ted Lorenson, 2 pp
I – HB 2945A, written testimony, Rich Angstrom, 2 pp
J – HB 2945A, written testimony, Adam Sussman, 2 pp
K – HB 2887A, written testimony, Katie Fast, 1 p
L – HB 2344, written testimony, Rep. Jeff Kropf, 1 p