

HOUSE COMMITTEE ON AGRICULTURE & FORESTRY

April 19, 2001
3:30 PM

Hearing Room 50
Tapes 76 - 79

MEMBERS PRESENT: **Rep. Jeff Kropf, Chair**
 Rep. Al King, Vice-Chair
 Rep. Donna Nelson, Vice-Chair
 Rep. Robert Ackerman
 Rep. Dan Doyle
 Rep. Elaine Hopson
 Rep. Wayne Krieger
 Rep. Mary Nolan
 Rep. Tootie Smith

STAFF PRESENT: **Ray Kelly, Committee Administrator**
 Michael Reiley, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3814 – Public Hearing and Work Session**
 HB 3402 – Public Hearing
 HB 3003 – Public Hearing
 HB 2408 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 76, A		
003	Chair Kropf	Calls meeting to order at 3:39 p.m. Opens public hearing on HB 3814.
<u>HB 3814 – PUBLIC HEARING</u>		
016	Don Schellenberg	Associate Director of Governmental Affairs, Oregon Farm Bureau. Explains amendments. Describes alternatives tests.
074	Rep. Ackerman	Asks if OFB wants a local government body to consider alternatives to land ownership and alternatives to placing biomass on other properties or using other means to dispose of the material.
081	Schellenberg	Answers yes.
091	Rep. Ackerman	Asks why alternatives for processing were not addressed in the language of HB 3814.
095	Schellenberg	Answers that it was not thought of during the drafting of HB 3814.
101	Rep. Nolan	Asks why the committee should not just wait for SB 212 A.
112	Schellenberg	Answers that the bills are different. Explains that SB 212 A does not include an alternatives test and SB 212 A does not include an emergency clause.
124	Rep. Nolan	Asks if an amendment was proposed include an alternatives test to SB 212 A.
125	Schellenberg	Answers yes. States that the Senate committee did not adopt the amendments.
129	Rep. Nolan	Questions addressing the issue with SB 212 A.

138	Chair Kropf	Notes that SB 212 A may not pass the Senate.
142	Rep. Nolan	Points out that HB 3814 also may not pass the House.
155	Willie Tiffany	League of Oregon Cities (LOC). Testifies against HB 3814. Explains the potential effects of HB 3814.
174	Rep. King	Asks if undergoing a discovery process or evaluation process might make it more difficult to make a real estate transaction. Asks about the cost of administration.
188	Tiffany	Answers that Rep. King is correct, but the costs would be less than costs incurred by lawsuits to determine suitability for real estate transactions.
197	Chair Kropf	Asks if the term “reasonable” is a problem.
204	Tiffany	Describes attempting to interpret “reasonable.” Explains that the courts have set a high standard that would make it more difficult to perform alternatives tests.
226	Rep. Krieger	Describes the regulations and costs that agriculture and forest land owners face and notes that what LOC is being asked to go through is not unreasonable.
244	Tiffany	Discusses how the interested parties are dealing with costs and regulations.
303	Rep. T. Smith	Asks why cities need to own farmland to dispose of wastewater.
306	Tiffany	Answers that some cities need to while others do not. Explains the process by which cities obtain farmland for wastewater disposal.
349	Rep. T. Smith	Asks what would stop cities from owning farmland and competing with farmers.
364	Tiffany	Answers that LOC agrees that urban sprawl is a problem. Explains how the sites operate under the law.
389	Rep. T. Smith	Asks how many sites are within urban growth boundaries.
390	Tiffany	Answers that he does not know. States that most of them are very close to the urban growth boundaries.
402	Chair Kropf	Asks if the amendments protect grandfather systems that are currently in place.
409	Schellenberg	Answers that he asked Department of Land Conservation and Development and they do not grandfather in any systems and those whose licenses expire would have to be re-licensed under the new guidelines.
427	Chair Kropf	Asks if there will be a substantial cost increase to the municipalities to deal with the issue.
430	Schellenberg	Answers that there will be cost increase. Explains the alternatives testing provision in HB 3814.
TAPE 77, A		
017	Chair Kropf	Points out that HB 3814 has an emergency clause.
020	Rep. Nolan	Asks if the emergency clause would affect any currently operating application and set it out of compliance forcing the facility to move.
028	Schellenberg	Answers no. States that facilities are subject to more onerous restrictions currently than potentially under HB 3814.
037	Tiffany	States that LOC would prefer to apply the utility facility siting test to the processes making it easier than the alternatives test in the –4 amendments.
046	Rep. Doyle	Asks why there should be a compromise and why not allow the utility siting test to be used.
058	Schellenberg	Answers that the portion of HB 3814 dealing with the alternatives test is not a compromise. States that it was their

		intention to make it easier to qualify for permitted use to buy farmland and expresses surprise that LOC has taken their current position.
079	Tim Bernasek	General Counsel, OFB. Explains the work that has been done to address issue of facility siting.
103	Rep. Doyle	States that the utility facility siting was good for the farmers.
115	Bruneski	Agrees with Rep. Doyle, but notes that “in the legislative process, there are gives and takes.”
	Chair Kropf	Closes public hearing on HB 3814. Opens work session on HB 3814.

HB 3814 – WORK SESSION

140	Rep. Nelson	MOTION: Moves to ADOPT HB 3814-4 amendments dated 4/19/01.
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VOTE: 9-0

Hearing no objection, declares the motion CARRIED.

145	Chair Kropf	MOTION: Moves HB 3814 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on School Funding and Tax Fairness/Revenue BE RESCINDED.
149	Rep. Nelson	

156	Rep. Ackerman	Expresses concern about the –4 amendments. Speaks against HB 3814.
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172	Rep. Nolan	Speaks against HB 3814.
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182	Rep. Doyle	Declares potential conflict of interest on HB 3814. Expresses concern that cities may take land outside urban growth boundaries.
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201	Rep. Krieger	States that he will support HB 3814 in committee but is unsure of his vote in the House and will talk to other interested parties to obtain more information.
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VOTE: 6-3

AYE: 6 - Doyle, Hopson, Krieger, Nelson, Smith T, Kropf

NAY: 3 - Ackerman, King, Nolan

214	Chair Kropf	The motion CARRIES.
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REP. KROPF will lead discussion on the floor.

226	Chair Kropf	Declares potential conflict of interest on HB 3814. Closes public work session on HB 3814. Opens public hearing on HB 3402.
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HB 3402 – PUBLIC HEARING

229	Rep. Deborah Kafoury	House District 18. Testifies in support of HB 3402. Submits prepared testimony in support of HB 3402 (EXHIBIT A). Summarizes amendments.
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311	Rep. Mary Nolan	House District 11. Testifies in support of HB 3402.
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383	Rep. Krieger	Notes that he had sponsored HB 3402 early in the session, but has since developed some concerns. Asks if his and others’ concerns have been addressed.
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394	Rep. Kafoury	Answers that she has tried to address all concerns that have been presented to her.
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413	Rep. Ackerman	Asks if there have been discussions with school districts about HB 3402.
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417	Rep. Kafoury	Answers that she has talked to school districts and they will be testifying later.
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425	Rep. T. Smith	Notes that she also sponsored the HB 3402, but has since withdrawn her support.
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447	Rep. Nolan	States that rural constituents probably have a greater understanding of pesticides and their effects than urban constituents do.
TAPE 76, B		
018	Rep. Nelson	Asks if there is an education program in place in schools to explain procedure.
035	Rep. Nolan	Answers that she is not aware of any statewide program.
047	Rep. Nelson	Asks if the warning signs are appropriate.
060	Rep. Nolan	Answers that the postings are intended to encourage people to pay attention.
070	Chair Kropf	Asks if there is currently anything to prohibit school districts from warning parents about pesticide dangers.
075	Rep. Nolan	Answers "momentum."
Written testimony submitted by Karen Weisman, M.D. in support of HB 3402 (EXHIBIT B) .		
080	Chair Kropf	Closes public hearing on HB 3402. Opens public hearing on HB 3003.
<u>HB 3003 – PUBLIC HEARING</u>		
090	Charlie Stone	Assistant State Forester, Oregon Department of Forestry, Protection Division. Summarizes prepared testimony submitted by Peter Green, Forestry Advisor to Governor John Kitzhaber (EXHIBIT C) .
107	Chair Kropf	Asks if there is a possibility of assisting the landowner that would be affected by HB 3003.
111	Stone	Answers yes. Explains the law and notes that there are exceptions that can be made in certain circumstances.
122	Chair Kropf	Asks if waivers have been granted under the scenic highway provision of the Forest Practices Act.
125	Stone	Answers yes, quite frequently.
131	Rep. T. Smith	Asks what needs to be done to help the affected landowner.
138	Gregg Cline	Policy Manager, Forest Practices Program, ODF. Answers and explains how the Forest Practices Act could be used to help the landowner.
154	Rep. T. Smith	Asks for explanation of "hardship."
155	Cline	Explains hardship under the scenic highway designation.
169	Rep. T. Smith	Asks if the amount of land taken in HB 3003 is known.
177	Stone	Explains the policy of the Forest Practices Act and how it and HB 3003 will affect the landowner in question.
221	Rep. T. Smith	Expresses concern that the landowner may or may not qualify for a waiver because less than 50% of her land lies within the buffer zone.
234	Cline	Explains the land affected by HB 3003 and how its harvest may occur.
273	Rep. T. Smith	Argues that the landowner needs to be protected under statute.
293	Stone	States that there is no mechanism by which ODF could issue a waiver since they have no request to conduct any activity on the property, so there is no basis for the waiver.
317	Rep. Krieger	Asks if an alternative plan calls for public comment.
324	Stone	Answers no, that it is an approval process directly to the state forester.
326	Rep. Krieger	Questions if the landowner can harvest either the front half or the back half of the timber on her property.
328	Stone	Answers yes.
329	Rep. Krieger	Asks if there were complaints about visible stumps from timber harvests.

343 Stone Answers yes.
352 Chair Kropf Closes public hearing on HB 3003. Opens public hearing on HB 3402.

HB 3402 – PUBLIC HEARING

365 David Delvallee Manager of Programs and Advocacy, American Lung Association of Oregon. Submits and reads prepared testimony in support of HB 3402 (**EXHIBIT D**).
393 Mary Fenner Silverton. Submits and reads prepared testimony in support of HB 3402 (**EXHIBIT E**).

TAPE 77, B

070 Tina Dierkes Kindergarten teacher, West Linn. Submits and reads prepared testimony in support of HB 3402 (**EXHIBIT F**).
127 Chair Kropf Asks what actions the school district took when Ms. Dierkes complained about pesticide application.
130 Dierkes Answers that the director of maintenance told her the products were registered with the Environmental Protection Agency (EPA) and they would continue to be used.
160 Chair Kropf Asks which school staff members cited in Ms. Dierkes’s testimony were not knowledgeable about the chemicals being used.
165 Dierkes Answers that she was referring to all levels of staff.
189 Shannon Mahoney Newberg. Submits and reads prepared testimony in support of HB 3402 (**EXHIBIT G**).
243 Becky Riley Former staff member, Northwest Coalition for Alternatives to Pesticides (NCAP). Submits and reads prepared testimony in support of HB 3402 (**EXHIBIT H**).
342 Chair Kropf States that the Oregon School Board Association is against HB 3402.
347 Terry Witt Executive Director, Oregonians for Food and Shelter. Submits and summarizes prepared testimony against HB 3402 (**EXHIBIT I**).

TAPE 78, A

022 Rep. Nolan Asks if a parent who knows the difference between chemicals is better off not knowing when they are applied.
028 Witt Questions the value of posting such extensive information at the site that HB 3402 would require.
047 Rep. Nolan Asks if she should be notified if a chemical to which her daughter is sensitive is used at her daughter’s school.
052 Witt Answers that as a parent, she should request that the school notify her if and when the school uses the product.
056 Rep. Nolan Asks if farm employees should have to make individual inquiries to their employees about the use of pesticides in their work environment.
059 Witt States that it is not relevant to the issue being discussed.
061 Rep. Nolan Asks if Mr. Witt agrees with a statewide uniform pesticide policy.
082 Witt Answers that the current standards are designed to ensure that “when a pesticide is used for its intended purpose, that it does not represent an unreasonable risk to man or the environment.”
108 Rep. Nolan Asks if Mr. Witt would support the repeal of ORS 634.055 and 635.057.
117 Witt Explains the provisions of pesticide control.
124 Rep. Nolan Asks if Mr. Witt favors a consistent policy on pesticides or if he likes local control.

129 Witt Answers that he favors the regulations that are currently in place.
159 Andy Harris, M.D. Physicians for Social Responsibility. Testifies in support of HB 3402. Explains potential effects of pesticides on children.

Written testimony submitted by Laura Weiss, Oregon Environmental Council, in support of HB 3402
(EXHIBIT J).

189 Rep. Krieger Closes public hearing on HB 3402. Opens public hearing on HB 3003.

HB 3003 – PUBLIC HEARING

200 Jerry Purvis Sheridan. Testifies against HB 3003. Gives personal history of logging and its effects on scenic areas.

277 Rep. Krieger Asks what the cost increases for landowners would be.

290 Purvis Answers that the increase would perhaps be 30% higher to comply with the regulations.

318 Ernie Kurry Testifies against HB 3003.

339 Rep. Krieger Closes public hearing on HB 3003. Opens public hearing on HB 2408.

HB 2408 – PUBLIC HEARING

353 Al Elkins Oregon Hunters Association. Testifies against HB 2408.

387 Rod Harder Executive Director, Oregon Sportsmen’s Defense Fund. Submits and reads prepared testimony against HB 2408 **(EXHIBIT K).**

435 Rep. Krieger Asks if there are more accidents associated with turkey hunters.

TAPE 79, A

002 Harder Answers that it is the most dangerous types of hunting. Explains how turkey hunting is done.

011 Robb Barnes Testifies in support of HB 2408. Explains myths about hunting.

052 Rep. T. Smith Asks how many square inches of hunter orange a cap would be.

054 Barnes Answers that it would be approximately 100 square inches.

065 Rep. Krieger Asks if the state police officer who was killed was hunting ducks.

067 Barnes Answers no.

088 Jim Myron Canby. Testifies in support of HB 2408.

111 Roy Elicker Legislative Coordinator, Oregon Department of Fish & Wildlife. Submits and reads prepared testimony regarding HB 2408 **(EXHIBIT L).**

142 Rep. Krieger Asks how many hunting fatalities have worn orange.

152 Elicker Answers that he is not sure of specific numbers.

157 Rep. Krieger Asks how much more compliance could be obtained through education.

161 Elicker Answers that he does not know.

177 Carl McGlothlin Board Member, Oregon Hunter Education Instructors Association. Testifies against HB 2408. Argues that more resources should be implemented for education rather than legislation.

222 Rep. Hopson Asks if hunter education should be mandatory for all adults.

224 McGlothlin Answers yes, but notes that there would not be enough instructors in the state to achieve it.

231 Chair Kropf Closes public hearing on HB 2408. Reopens public hearing on HB 3402.

HB 2408 – PUBLIC HEARING

238 Marc Overbeck Executive Officer, Oregon Commission for Child Care. Testifies in support of HB 3402. States that HB 3402 would give parents the ability to make choices about their children.

271 Chair Kropf Closes public hearing on HB 3402. Adjourns meeting at 6:10 p.m.

Submitted By,

Reviewed By,

Michael Reiley,
Committee Assistant

Ray Kelly,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 3402, written testimony, Rep. Deborah Kafoury, 3 pp.**
- B – HB 3402, written testimony, Karen Weisman, M.D., 1 p.**
- C – HB 3003, written testimony, Peter Green, 1 p.**
- D – HB 3402, written testimony, David Delvallee, 1 p.**
- E – HB 3402, written testimony, Mary Fenner, 5 pp.**
- F – HB 3402, written testimony, Tina Dierkes, 3 pp.**
- G – HB 3402, written testimony, Shannon Mahoney, 2 pp.**
- H – HB 3402, written testimony and information, Becky Riley, 49 pp.**
- I – HB 3402, written testimony, Terry Witt, 2 pp.**
- J – HB 3402, written testimony, Laura Weiss, 1 p.**
- K – HB 2408, written testimony, Rod Harder, 1 p.**
- L – HB 2408, written testimony and information, Roy Elicker, 105 pp.**