

HOUSE COMMITTEE ON AGRICULTURE & FORESTRY

April 24, 2001
3:30 PM

Hearing Room 50
Tapes 80 - 81

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 3487 – Public Hearing and Work Session
HB 3815 – Public Hearing and Work Session
HB 3485 – Public Hearing
HB 3363 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 80, A		
003	Chair Kropf	Calls meeting to order at 3:37 p.m. Opens public hearing on HB 3487.
<u>HB 3487 – PUBLIC HEARING</u>		
013	Paul Ries	Oregon Community Trees. Testifies in support of HB 3487. Explains –1 amendments.
067	Rep. Ackerman	Asks if the program is a diversion of funds.
070	Ries	Answers that it is not a diversion of funds.
076	Rep. Ackerman	Asks if it is constitutional to use vehicle registration fees for the program.
080	Ries	Answers that it is a constitutional use of money.
124	Chair Kropf	Asks if the –1 amendments address the original concerns of HB 3487.
127	Ries	Answers yes.
136	Doug Tindall	State Maintenance Engineer, Oregon Department of Transportation (ODOT). Notes that there are other needs on the highway system from which HB 3487 would take money.
152	Rep. Krieger	Asks if ODOT would object to the committee passing HB 3487 to Ways and Means.
160	Tindall	Answers that ODOT would not object
163	Rep. Nelson	Asks if planting trees would help with road maintenance.
174	Tindall	Answers yes and notes that it is true for all vegetation.
182	Chair Kropf	Clarifies –1 amendment. Closes public hearing on HB 3487.

HB 3487 – WORK SESSION

199 Rep. Krieger

201 Rep. Hopson

231 Chair Kropf
234 Rep. Krieger

239 Rep. Nolan

283 Chair Kropf
287 Chair Kropf

HB 3815 – PUBLIC HEARING

294 Ray Kelly

341 Terry Witt

419 Scott McKinnie

TAPE 81, A

067 Rep. Nelson
072 McKinnie

076 Rep. Nelson

078 McKinnie
082 Rep. Nelson

086 McKinnie

094 Rep. Nelson
097 McKinnie

101 Witt

132 Rep. Nelson
140 Witt

155 Rep. Nelson
160 McKinnie

Opens work session on HB 3487.

MOTION: Moves to ADOPT HB 3487-1 amendments dated 4/24/01.

Speaks against HB 3487.

VOTE: 9-0

Hearing no objection, declares the motion CARRIED.

MOTION: Moves HB 3487 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.

Speaks against HB 3487.

VOTE: 6-3

AYE: 6 – Doyle, King, Krieger, Nelson, Smith T, Kropf

NAY: 3 – Ackerman, Hopson, Nolan

The motion CARRIES.

Closes work session on HB 3487. Opens public hearing on HB 3487.

Committee Administrator. Explains HB 3815 and –8 amendments (**EXHIBIT A**).

Executive Director, Oregonians for Food and Shelter. Submits and summarizes prepared testimony in support of HB 3815 (**EXHIBIT B**).

Executive Director, Far West Agribusiness Association. Submits and reads prepared testimony in support of HB 3815 (**EXHIBIT C**).

Asks how the process is monitored.

Answers that Oregon Department of Agriculture (ODA) has the authority to increase their sampling opportunities and “deal with the situation.”

Asks how to find the schedule of when monitoring would take place.

Answers that the schedule is determined by ODA.

Asks what the additional authority is that is set up to address violators.

Answers that ODA has less authority than other states have and it is important to give them additional authority to allow them to deal with the issue effectively.

Expresses concern about approval of additional authority.

States that it is important for ODA to have the authority and notes that action would be taken with input from interested groups.

Points out that there was no civil penalty authority for adulterated or misbranded fertilizer products in Oregon.

Asks who is responsible for consumer protection.

States that when a company registers a product, ODA measures it by the company’s own standards for the product.

Asks if an initial analysis is performed on the product.

Answers that the information the company provides to ODA must match what is on the label of the product.

179	Witt	Notes that upon registration of a product, they must have it tested by a laboratory.
192	Scott Burlingham	Owner, Woodburn Fertilizer, Inc. Submits and reads prepared testimony in support of HB 3815 (EXHIBIT D).
235	Rep. Nelson	Asks how big the fertilizer industry is in Oregon.
246	Burlingham	Answers that there are over a dozen in the I-5 corridor.
247	Rep. Nelson	Asks if there is a nationwide standard for fertilizer.
259	Burlingham	Describes American Association of Plant Food Control Officials and their work to implement national standards.
275	Rep. Nolan	Asks Mr. Witt to summarize differences between –5 and –8 amendments.
306	Witt	Explains differences between –5 and –8 amendments.
344	Rep. Nolan	Asks for Mr. McKinnie’s and Mr. Burlingham’s opinions of the –8 amendments.
355	McKinnie	Answers that he supports it.
359	Burlingham	Answers that he also supports it.
364	Chair Kropf	Clarifies that no personal information would be put on the internet in the labeling and notification process.
369	Witt	Answers yes. Explains the benefit of providing information on the internet to allow for quick changes and to achieve universality.
407	Chair Kropf	Asks how HB 3815 would affect the application of industry biosolid wastes from industries on farmland.
423	Witt	Explains that the criteria for biosolid application are its nutritive values.
TAPE 80, B		
016	Rep. Krieger	Asks for definition of “manipulation.”
018	Witt	Answers that it means processing a product until it changes its characteristics.
028	Laura Weiss	Oregon Environmental Council. Submits and reads prepared testimony (EXHIBIT E).
093	Rhett Lawrence	Environmental Advocate on Toxics and Clean Water, Oregon State Public Interest Research Group (OSPIRG). Submits and summarizes prepared testimony against HB 3815 (EXHIBIT F).
157	Kathryn VanNatta	Governmental Affairs Manager, Northwest Pulp and Paper Association. Testifies in support of HB 3815. Explains provisions that address agricultural amendment waste derived product.
182	Chuck Craig	Deputy Director, ODA. Submits and summarizes prepared testimony in support of HB 3815 (EXHIBIT G).
205	Rep. Nelson	Asks Mr. Craig to address issues raised by Mr. Lawrence such as labeling requirements.
215	Chris Kirby	Administrator, Pesticide Division, ODA. Explains labeling requirements.
229	Rep. Nelson	Asks if it would be on the website.
230	Kirby	Answers that it would.
236	Rep. Nelson	Asks about the dangers of toxins used in fertilizers.
245	Kirby	Answers that some non-nutritive constituents are toxic, but standards would be set by HB 3815 for protection.
262	Chair Kropf	Asks what the fiscal impact for HB 3815 would be.
264	Kirby	Answers that they have a preliminary fiscal impact statement. Explains the proposed fiscal and revenue impacts.

Written testimony submitted by Bob Danko, Department of Environmental Quality, regarding HB 3815 (**EXHIBIT H**).

301	Chair Kropf	Closes public hearing on HB 3815. Opens work session on HB 3815.
<u>HB 3815 – WORK SESSION</u>		
304	Rep. Nolan	MOTION: Moves to ADOPT HB 3815-8 amendments dated 4/24/01.
308	Rep. T. Smith	Expresses hope that the fee structures are enough only to cover the cost of the program and no more.
311	Chair Kropf	Concurs. Instructs ODA to ensure that fee assessments only cover the cost of the program.
321	Chair Kropf	VOTE: 9-0
322	Rep. Nolan	Hearing no objection, declares the motion CARRIED.
		MOTION: Moves HB 3815 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
343	Chair Kropf	Declares potential conflict of interest.
		VOTE: 9-0
353	Chair Kropf	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
376	Chair Kropf	Closes work session on HB 3815. Opens public hearing on HB 3485.

HB 3485 – PUBLIC HEARING

380	Kelly	Explains HB 3485 and –1 amendments (EXHIBIT I).
400	Rep. T. Smith	Explains intentions for HB 3485.
439	Chair Kropf	Recesses public hearing on HB 3485. Opens work session on HB 3363.

HB 3363 – WORK SESSION

445	Roy Hemingway	Governor’s Office. Describes issues the governor’s office has with HB 3363. Explains predatory classification.
<u>TAPE 81, B</u>		
033	Rep. Ackerman	Asks if the gray wolf is an endangered species under federal law.
035	Hemingway	Answers that the gray wolf is a protected and threatened species under the Endangered Species Act.
040	Rep. Ackerman	Asks if there would be a conflict between HB 3363 and federal law.
042	Hemingway	Answers yes.
043	Rep. Ackerman	Asks if federal law has preempted the field in dealing with the gray wolf as a predatory animal.
045	Hemingway	Explains that the policy of the governor’s office is to take as much authority as possible to manage species within federal authority.
055	Rep. Hopson	Asks if the Governor would veto HB 3363.
056	Hemingway	States that the governor’s office is interested in presenting their opinion rather than discussing potential further action.
062	Vice-Chair King	Recesses public hearing on HB 3363. Reopens public hearing on HB 3485.

HB 3485 – PUBLIC HEARING

066	Kristina McNitt	Oregon Small Woodlands Association (OSWA). Submits and summarizes written information in support of HB 3485 (EXHIBIT J).
105	Rep. Krieger	Notes that cited statutes are unclear.
120	McNitt	Concurs.

129	Jean Underhill-Wilkinson	Oregon Farm Bureau. Submits and summarizes written information in support of HB 3485 (EXHIBIT K). Agrees that statutes are unclear and need to be “brought up to date.”
197	Rep. Ackerman	Asks if the only place a lien could be filed is in the county where the purchaser maintains their primary place of business.
203	Underhill-Wilkinson	Answers that the agricultural lien legislation was put into HB 3485.
211	Rep. Ackerman	Asks if an out-of-state purchaser would cause a lien to be invalid. Suggests a substitution of “producer” for “purchaser” to allow lien filing in the county of the producers’ residence.
224	McNitt	Concurs. States that it is a point worth investigating.
239	Rep. Ackerman	Asks if liens are filed with the Secretary of State.
242	Underhill-Wilkinson	Answers that one type of lien is filed with the county and one is filed with the Secretary of State and HB 3485 would set all liens to be filed with the Secretary of State.
258	Rep. T. Smith	Notes that HB 3485 has some issues that will be resolved and brought back to committee.
276	Vice-Chair King	Closes public hearing on HB 3485. Reopens work session on HB 3363.
<u>HB 3363 – WORK SESSION</u>		
287	Glen Stonebrink	Oregon Cattlemen’s Association. Suggests potential changes to improve HB 3363.
320	Rep. Ackerman	Asks if Mr. Stonebrink has documentation for the definition of wolf hybrid.
328	Stonebrink	Gives personal experience working with wolves and wolf hybrids. Explains that the Endangered Species Act does not protect wolf hybrids.
359	Rep. T. Smith	Asks if an amendment is needed to address issues.
363	Stonebrink	Answers yes and explains desired changes.
390	Rep. Ackerman	Asks how ranchers are to differentiate wolves from wolf hybrids.
399	Stonebrink	Answers that the problem is currently faced. States that ranchers do not hunt wolves. Explains how HB 3363 relates to ranchers taking wolves or wolf hybrids.
Written testimony submitted by Jack Laufer, Wolf Haven International relating to HB 3363 (EXHIBIT L).		
431	Vice-Chair King	Closes work session on HB 3363. Adjourns meeting at 5:37 p.m.

Submitted By,

Reviewed By,

Michael Reiley,
Committee Assistant

Ray Kelly,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 3815, -8 amendments, staff, 29 pp.**
- B – HB 3815, written testimony, Terry Witt, 5 pp.**
- C – HB 3815, written testimony, Scott McKinnie, 12 pp.**
- D – HB 3815, written testimony, Scott Burlingham, 1 p.**
- E – HB 3815, written testimony, Laura Weiss, 3 pp.**
- F – HB 3815, written testimony, Rhett Lawrence, 2 pp.**
- G – HB 3815, written testimony, Chuck Craig, 1 p.**

H – HB 3815, written testimony, Bob Danko, 1 p.

I – HB 3485, -2 amendments, staff, 1 p.

J – HB 3485, written information, Kristina McNitt, 2 pp.

K – HB 3485, written information, Jean Underhill-Wilkinson, 1 p.

L – HB 3363, written testimony, Jack Laufer, 2 pp.