

# HOUSE COMMITTEE ON AGRICULTURE & FORESTRY

May 03, 2001  
3:30 PM

Hearing Room 50  
Tapes 86 - 89

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

**MEMBER EXCUSED:** Rep. Robert Ackerman

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

**MEASURE/ISSUES HEARD:** HB 3961 – Public Hearing and Work Session  
HB 3975 – Work Session  
SJM 2A – Public Hearing and Work Session  
SJM 7 – Public Hearing and Work Session  
SB 315A – Public Hearing and Work Session  
SB 312A – Public Hearing and Work Session  
SB 412A – Public Hearing  
HB 3924 – Public Hearing

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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 86, A</b>		
003	Chair Kropf	Calls meeting to order at 5:53 p.m. Opens public hearing on HB 3961.
<b><u>HB 3961 – PUBLIC HEARING</u></b>		
014	Ray Kelly	Committee Administrator. Explains HB 3961 and –2 amendments ( <b>EXHIBIT A</b> ).
021	Gary Conkling	Oregon Wine Growers Association. Testifies in support of –2 amendments.
032	Paul Romain	Oregon Beer and Wine Distributors Association. Testifies in support of –2 amendments. Explains provisions of –2 amendments.
050	Chair Kropf	Closes public hearing on HB 3961. Opens work session on HB 3961.
<b><u>HB 3961 – WORK SESSION</u></b>		
051	Rep. Nelson	<b>MOTION:</b> Moves to ADOPT HB 3961-2 amendments dated 5/2/01. <b>VOTE: 6-0</b>

055 056	Chair Kropf Rep. Doyle	<p><b>EXCUSED: 3 – Ackerman, Hopson, Nolan</b>  <b>Hearing no objection, declares the motion CARRIED.</b>  <b>MOTION: Moves HB 3961 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b></p> <p><b>VOTE: 6-0</b>  <b>EXCUSED: 3 – Ackerman, Hopson, Nolan</b>  <b>Hearing no objection, declares the motion CARRIED.</b></p>
064 065	Chair Kropf Chair Kropf	<p>Closes work session on HB 3961. Opens work session on HB 3975.</p>
<b><u>HB 3975 – WORK SESSION</u></b>		
074 086	Kelly Rep. King	<p>Explains reconsidering the vote for HB 3975.  <b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3975.</b></p> <p><b>VOTE: 7-0</b>  <b>EXCUSED: 2 – Ackerman, Nolan</b>  <b>Hearing no objection, declares the motion CARRIED.</b></p>
100 102	Chair Kropf Rep. King	<p><b>MOTION: Moves to RECONSIDER the vote by which HB 3975 was referred to the committee on Ways and Means by prior reference with a DO PASS recommendation.</b></p> <p><b>VOTE: 7-0</b>  <b>AYE: 7 – Doyle, Hopson, King, Krieger, Nelson, Smith T, Kropf</b>  <b>EXCUSED: 2 – Ackerman, Nolan</b>  <b>The motion CARRIES.</b></p>
112 121	Chair Kropf Rep. King	<p><b>MOTION: Moves HB 3975 to the floor with a DO PASS recommendation and the REFERRAL to the committee on Ways and Means BE RESCINDED.</b></p> <p><b>VOTE: 7-0</b>  <b>EXCUSED: 2 – Ackerman, Nolan</b>  <b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. T. SMITH will lead discussion on the floor.</b></p>
123 124	Chair Kropf Chair Kropf	<p>Closes work session on HB 3975. Opens public hearing on SJM 2A.</p>
<b><u>SJM 2A – PUBLIC HEARING</u></b>		
132	Rep. Patti Smith	House District 56. Reads letter from Camille Hukari in support of SJM 2A <b>(EXHIBIT B)</b> .
172	Lisa Melyan	Commissioner-elect, Tualatin Valley Water District. Submits and summarizes prepared testimony in support of SJM 2A <b>(EXHIBIT C)</b> .
199	Chair Kropf	Asks if lawsuits against the United States are handled in public or private.
208	Melyan	Answers that they are handled in private.
241	Sen. Avel Gordly	Senate District 10. Testifies in support of SJM 2A.
319	Margaret Gribskov	Submits and reads prepared testimony in support of SJM 2A <b>(EXHIBIT D)</b> .
390	Ray Lewis	Co-chair, Economic Justice Action Group, First Unitarian Church. Submits and reads prepared testimony in support of SJM 2A <b>(EXHIBIT E)</b> .
<b>TAPE 87, A</b> 023	Don Schellenberg	Oregon Farm Bureau. Testifies in support of SJM 2A.

Written testimony submitted by Rep. Jan Lee, House District 10, in support of SJM 2A (**EXHIBIT F**).  
Written testimony submitted by Lynn-Marie Crider, Research Director, Oregon AFL-CIO, in support of SJM 2A (**EXHIBIT G**).

038 Chair Kropf Closes public hearing on SJM 2 A. Opens work session on SJM 2A.

**SJM 2A – WORK SESSION**

042 Rep. Krieger **MOTION: Moves SJM 2A be sent to the floor with a BE ADOPTED recommendation.**

**VOTE: 5-0**

**EXCUSED: 4 – Ackerman, Hopson, Nolan, King  
Hearing no objection, declares the motion CARRIED.**

**REP. KROPF will lead discussion on the floor.**

044 Chair Kropf

Chair Kropf

Closes work session on SJM 2A. Opens public hearing on SJM 7.

**SJM 7 – PUBLIC HEARING**

062 Kelly

Explains SJM 7.

070 Arlene Kovash

President, Oregon Women for Agriculture. Submits and reads prepared testimony (**EXHIBIT H**).

160 Rep. Susan Morgan

House District 46. Testifies in support of SJM 7.

172 Schellenberg

Testifies in support of SJM 7.

182 Tom Brawley

Oregon Farm Bureau. Testifies in support of SJM 7.

198 Chair Kropf

Closes public hearing on SJM 7. Opens work session on SJM 7.

**SJM 7 – WORK SESSION**

202 Rep. T. Smith

**MOTION: Moves SJM 7 be sent to the floor with a BE ADOPTED recommendation.**

205 Chair Kropf

Gives personal account of women’s work in agriculture. Speaks in favor of SJM 7.

**VOTE: 5-0**

**AYE: 5 – Doyle, Krieger, Nelson, Smith T, Kropf**

**EXCUSED: 4 – Ackerman, Hopson, King, Nolan**

216 Chair Kropf

**The motion CARRIES.**

**REP. MORGAN will lead discussion on the floor.**

219 Chair Kropf

Closes work session on SJM 7. Opens public hearing on SB 315 A.

**SB 315 A – PUBLIC HEARING**

224 Kelly

Explains SB 315A and –A6 amendments (**EXHIBIT I**).

252 Gregg Cline

Forest Practices Manager, Oregon Department of Forestry.

261 Jim Myron

Oregon Trout. Testifies in support of SB 315A and –A6 amendments.

269 Pete Test

Associate Director, Governmental Affairs, Oregon Farm Bureau. Testifies in support of SB 315A and –A6 amendments.

291 Rep. T. Smith

Asks if Mr. Cline agrees with Mr. Test’s testimony.

295 Cline

Answers that ODF will examine the rules and regulations to see if there are possibilities for rule changes.

311 Vice-Chair Nelson

Closes public hearing on SB 315A. Recesses meeting.

321 Chair Kropf

Reconvenes meeting. Opens work session on SB 315A

**SB 315A – WORK SESSION**

326 Rep. T. Smith

**MOTION: Moves to ADOPT SB 315A-A6 amendments dated 4/23/01.**

**VOTE: 7-0**

**EXCUSED: 2 – Ackerman, King**

**Hearing no objection, declares the motion CARRIED.**

331 Chair Kropf

332 Rep. T. Smith

**MOTION: Moves SB 315A to the floor with a DO PASS AS AMENDED recommendation.**

Chair Kropf  
336 Chair Kropf

**SJM 2A – WORK SESSION**  
346 Rep. Kropf

348 Chair Kropf  
349 Chair Kropf  
**SJM 7 – WORK SESSION**  
351 Rep. Kropf

352 Chair Kropf  
353 Chair Kropf  
**HB 3961 – WORK SESSION**  
360 Rep. Kropf

362 Chair Kropf  
369 Chair Kropf

**SB 312A – PUBLIC HEARING**

380 Kelly  
409 Chuck Craig  
420 Ron McKay  
447 Shawn Miller  
468 Chair Kropf

**TAPE 86, B**  
**SB 312A – WORK SESSION**  
026 Kelly  
028 Rep. Nelson

**VOTE: 7-0**  
**EXCUSED: 2 – Ackerman, King**  
**Hearing no objection, declares the motion CARRIED.**  
**REP. KRIEGER will lead discussion on the floor.**  
Closes work session on SB 315A. Reopens work session on SJM 2A.

**MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. HOPSON and REP. NOLAN to BE RECORDED as voting AYE on SB 315A to be sent to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 7-0**  
**EXCUSED: 2 – Ackerman, King**  
**Hearing no objection, declares the motion CARRIED.**  
Closes work session on SJM 2A. Opens work session on SJM 7.

**MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. HOPSON and REP. NOLAN to BE RECORDED as voting AYE on SJM 7 to be sent to the floor with a BE ADOPTED recommendation.**

**VOTE: 7-0**  
**EXCUSED: 2 – Ackerman, King**  
**Hearing no objection, declares the motion CARRIED.**  
Closes work session on SJM 7. Opens work session on HB 3961.

**MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. HOPSON and REP. NOLAN to BE RECORDED as voting AYE on HB 3961 to be sent to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.**

**VOTE: 7-0**  
**EXCUSED: 2 – Ackerman, King**  
**Hearing no objection, declares the motion CARRIED.**  
Closes work session on HB 3961. Closes work session on SB 315A. Opens public hearing on SB 312A.

Explains SB 312A.  
Deputy Director, Oregon Department of Agriculture. Explains provisions for SB 312A.  
Administrator, Food Safety Division, Oregon Department of Agriculture. Submits and reads prepared testimony in support of SB 312A (**EXHIBIT J**).  
Oregon Groceries Industries Association. Testifies in support of SB 312A.  
Closes public hearing on SB 312A. Opens work session on SB 312A.

Explains –A2 amendments (**EXHIBIT K**).  
**MOTION: Moves to ADOPT SB 312A-A2 amendments**

dated 5/1/01.

**VOTE: 7-0**

**EXCUSED: 2 – Ackerman, King**

**Hearing no objection, declares the motion CARRIED.**

**MOTION: Moves SB 312A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 7-0**

**EXCUSED: 2 – Ackerman, King**

**Hearing no objection, declares the motion CARRIED.**

**REP. NELSON will lead discussion on the floor.**

032 Chair Kropf  
033 Rep. Nelson

036 Chair Kropf

038 Chair Kropf

Closes work session on SB 312A. Opens public hearing on SB 412A.

**SB 412A – PUBLIC HEARING**

042 Kelly

Explains SB 412A.

060 Ted Lorensen

Forest Practices Program Director, Oregon Department of Forestry. Submits and summarizes prepared testimony in support of SB 412A (**EXHIBIT L**).

105 Chair Kropf

Asks if SB 412A changes operations outside the urban growth boundaries.

112 Lorensen

Answers that it does not change operations.

119 Rep. Krieger

Asks why the intent of SB 412A cannot be stated more clearly.

122 Lorensen

Explains the language in SB 412A and other legislation.

140 Rep. Krieger

Asks if all activity could be prohibited.

145 Lorensen

Answers that it is the intent of SB 412A. Explains history of legislation.

175 Chair Kropf

Clarifies language and intent for SB 412A.

187 Lorensen

Explains why language is stated as it is.

194 Rep. Krieger

Asks about testimony from League of Oregon Cities.

202 Cline

Answers and explains how development of site within urban growth boundary operates.

210 Rep. Krieger

Asks if it would have to go through the board.

211 Lorensen

Answers no, that it would be administrative process.

220 Rep. Nelson

Asks about standards and why it should be changed.

234 Lorensen

Explains the process of certifying loggers that has been at issue.

Written testimony submitted by Jerry Purvis against SB 412A (**EXHIBIT M**)

Written testimony submitted by Linda Ludwig, Senior Staff Associate, in support of SB 412A (**EXHIBIT N**).

258 Chair Kropf

Closes public hearing on SB 412. Opens public hearing on HB 3924.

**HB 3924 – PUBLIC HEARING**

264 Kelly

Explains –1 amendments.

278 Rep. Nelson

Explains intentions for amendments.

371 Brawley

Farmer, Jefferson. Testifies against HB 3924. Explains concerns with HB 3924.

446 Rep. Nelson

Asks for clarification of Mr. Brawley's concerns.

**TAPE 87, B**

012 Brawley

Answers that there is no percentage set forth in HB 3924.

016 Rep. Nelson

Asks if Mr. Brawley is referring to selling the entire crop from the farm stand.

017 Brawley

Explains he agrees with the desired intent of HB 3924 but expresses concern that the language may not achieve it.

039 Chair Kropf

Asks if the amendment language of allowing local producers to sell products on their farm should preclude a neighbor from selling products on one's farm.

049	Brawley	Answers no. States that the language should specify how much of what is being sold needs to be agricultural products.
061	Chair Kropf	Clarifies that Mr. Brawley's concern is that a certain percentage of what is being sold should be locally produced.
067	Brawley	Answers yes. Expresses additional concern that products sold may not be locally produced such as apples from China.
071	Rep. Nelson	Argues that the language would preclude non-local product from being sold in exclusive farm use zones.
078	Chair Kropf	Asks if Mr. Brawley takes issue with the language that allows incidental items to be sold at a farm stand.
080	Brawley	Answers no, but feels that there should be a limit on how much can be sold.
085	Rep. Doyle	Suggests language changes that may help to achieve the desired intent.
103	Brawley	Concurs.
106	Rep. Krieger	Asks if Mr. Brawley favors a percentage of value of what is sold or what is stocked.
113	Brawley	Answers that he is speaking in generalities, not specifics.
133	Rep. T. Smith	Asks if wineries have a limit on the incidentals that can be sold. Expresses concern that farm stands are being "disproportionately singled out."
154	Rep. Nolan	Asks if statutory language has been workable and has helped preserve farmland for farm uses.
171	Schellenberg	Answers yes.
192	Rep. Nolan	Notes that there is a level of consensus among interested parties. Expresses concern that the language may not yet exist in HB 3924 to achieve the desired intent without unwanted consequences.
218	Rep. Nelson	States that there have been no restrictions on wineries.
274	Brawley	Clarifies his position and his desire for HB 3924.
296	Rep. Nelson	Argues for HB 3924.
345	Rep. Doyle	Cites ORS 215.452 and its mention of wineries.
356	Chair Kropf	Clarifies that there is no percentage, but incidentals must be directly related to wine.
364	Rep. Doyle	Asks for explanation of exclusive farm use zone.
396	Schellenberg	Explains the purpose of zoning and land use planning.
<b>TAPE 88, A</b>		
010	Rep. Doyle	Asks about the use of farm stand structures.
021	Schellenberg	Answers that the objection is not to statute of farm stand structures, but under another statute.
030	Chair Kropf	Asks how events can occur at wineries in exclusive farm use zones, but not on farms.
038	Schellenberg	Answers that the events are not held under the winery provision, but another provision and farms may be able to do it also.
043	Chair Kropf	Clarifies that farms could hold the same type of event as wineries.
050	Rep. Nelson	Responds to Rep. Doyle's earlier comments.
094	Brawley	Discusses conditional use situation.
102	Chair Kropf	Notes that there needs to be parity between what farmers can do and what others can do to ensure farmers' success.
148	Bob Rindy	Department of Land Conservation and Development (DLCD). Testifies against HB 3924. Explains potential problems with HB 3924.
210	Rep. Nelson	Expresses concern that the state has too much influence on how

		farms operate.
246	Chair Kropf	Asks how wineries can include buildings in their construction while farms cannot.
258	Rindy	Answers that rules are not written or enforced by DLCD, but by the legislature and local governments. Explains restrictions on planning.
286	Carrie Kuerschner	Staff attorney, 1000 Friends of Oregon. Explains concerns about zoning.
319	Chair Kropf	Asks if they are comfortable with the language in the amendments.
328	Kuerschner	Answers that it is the current language and there is no issue with it.
337	Chair Kropf	Asks if there are concerns about the incidental item provisions.
351	Rindy	Explains potential concerns with language about farm use.
398	Rep. Nelson	Asks what marketing means to Mr. Rindy.
400	Rindy	States that he cannot answer.
409	Rep. Nelson	Answers that some see promotion and marketing as being the same and argues that they are different and should be treated as such.
<b>TAPE 89, A</b>		
008	Rindy	Answers that the issue is unclear. States that there is concern that there is no definition of "promotion."
022	Kuerschner	States that there are substantial concerns about non-farm uses in exclusive farm use zones.
050	Chair Kropf	Closes public hearing on HB 3924. Adjourns meeting at 8:10 p.m.

Submitted By,

Reviewed By,

Michael Reiley,  
Committee Assistant

Ray Kelly,  
Committee Administrator

### **EXHIBIT SUMMARY**

- A – HB 3961, -2 amendments, staff, 1 p.**
- B – SJM 2A, written testimony, Rep. Patti Smith, 1 p.**
- C – SJM 2A, written testimony, Lisa Melyan, 1 p.**
- D – SJM 2A, written testimony, Margaret Gribskov, 1 p.**
- E – SJM 2A, written testimony, Ray Lewis, 1 p.**
- F – SJM 2A, written testimony, Rep. Jan Lee, 6 pp.**
- G – SJM 2A, written testimony, Lynn-Marie Crider, 6 pp.**
- H – SJM 7, written testimony, Arlene Kovash, 1 p.**
- I – SB 315A, -A6 amendments, staff, 1 p.**
- J – SB 312A, written testimony, Ron McKay, 1 p.**
- K – SB 312, -A2 amendments, staff, 1 p.**
- L – SB 412A, written testimony, Ted Lorensen, 3 pp.**
- M – SB 412A, written testimony, Jerry Purvis, 4 pp.**
- N – SB 412A, written testimony, Linda Ludwig, 1 p.**