

## HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY

February 2, 1999 Hearing Room D

8:30 AM Tapes 11 - 12

**MEMBERS PRESENT:** Rep. Larry Wells, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Roger Beyer

Rep. Ryan Deckert

Rep. Jim Hill

Rep. Elaine Hopson

Rep. Jeff Kropf, Vice-Chair

Rep. Jerry Krummel

Rep. Judy Uherbelau

**STAFF PRESENT:** Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

**MEASURE/ISSUES HEARD:** HB 2118 Public Hearing

**HB 2116 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 11, A		
004	Chair Wells	Calls the committee to order at 8:30 a.m. Explains that they will be hearing HB 2118 first. Opens the public hearing on HB 2118.
<u><b>HB 2118 n PUBLIC HEARING</b></u>		

012	Judith Callens	Committee Administrator. Explains the provisions of HB 2118.
027	Chair Wells	Reviews the handouts the committee has on HB 2118. Explains that the committee will not be able to move the other bill today because they do not have a fiscal impact statement on it.
044	Lorna Youngs	Assistant Director for Natural Resources, Department of Agriculture (ODA). Explains how they will be making their presentation today regarding HB 2118.
053	George Pugh	Vice Chairman, Board of Agriculture. Submits and reads written testimony in support of HB 2118 <b>(EXHIBIT A)</b> .
113	Pugh	Continues testimony by reviewing the submitted material attached to his written testimony.
126	Rep. Kropf	Asks Mr. Pugh to elaborate on the costs involved in noxious weed control.
134	Pugh	Responds that these figures include biological, chemical, and application costs.
144	Rep. Uherbelau	Asks if ODA is responsible for controlling aquatic noxious weeds.
148	Youngs	Responds that ODA has responsibility for noxious weeds no matter where they are.
156	Rep. Uherbelau	Notes that aquatic noxious weeds are a problem that needs to be addressed.
169	Tim Butler	Weed Control Program Manger, Department of Agriculture. Begins slide presentation on noxious weeds in Oregon and ODA's noxious weed control program: <ul style="list-style-type: none"> <li>• Invasive, exotic species</li> <li>• Impact on state's natural resources</li> <li>• Rapid spread of weeds</li> <li>• Economic and ecological damage</li> <li>• Affect on wildlife</li> </ul>
228	Butler	Continues slide presentation: <ul style="list-style-type: none"> <li>• Affect on sensitive plant species</li> <li>• Impact on reforestation</li> <li>• Cooperation as part of ODA's program</li> <li>• ODA's strategy for dealing with noxious weeds</li> </ul>
272	Butler	Continues slide presentation by reviewing ODA's detection efforts regarding new invader species.

304	Chair Wells	Notes that there was a program concerning hunters and hay, and asks what plant they were concerned with in regard to this program.
308	Butler	Responds that Wallowa County has had a hay exchange program for a number of years that focused on Tansy Ragwort.
316	Rep. Thompson	Asks if ODA has come up with a biological control for Scotch Broom.
320	Butler	Responds that they do have some biological controls.
335	Youngs	Submits written testimony ( <b>EXHIBIT B</b> ) and testifies on why ODA introduced the bill.
379	Chair Wells	Asks who is responsible for weed control on public, county, and state highway system right-of-ways.
384	Youngs	Responds that the weed laws direct public landowners to control weeds on their public lands.
400	Rep. Beyer	Notes that the use of herbicides is not allowed on federal lands, and asks how they are going to control weeds on these lands.
<b>TAPE 12, A</b>		
005	Butler	Responds that they are able to use certain herbicides if they've gone through a federal agency's environmental assessment process.
022	Rep. Beyer	Asks how the weed control program compares with ODA's pest control program.
024	Youngs	Explains that there are similarities and differences.
036	Rep. Beyer	States that eradicating Yellow Star Thistle from rangeland in Eastern Oregon would cost more than the land is worth, and asks how a private landowner is going to justify the cost of controlling this weed.
043	Youngs	Responds that ODA would not use the weed control program on the Yellow Star Thistle in a situation where it has completely covered rangeland.
053	Rep. Krummel	Referencing section one, subsection two of HB 2118, asks how the director decides what constitutes a weed control emergency.
059	Youngs	Responds that ODA would have to set up a system for determining an emergency.

067	Rep. Krummel	Referencing section two, subsection two of HB 2118, asks what is considered a timely manner, and whether an estimate of cost will be given to the landowner.
074	Youngs	Responds that ODA would give the landowner an estimate of what the weed control would cost and that the timeframe would be determined, probably at least 60 to 90 days.
081	Rep. Krummel	Asks if the Board of Agriculture would be involved in this.
083	Youngs	Responds that it would.
085	Rep. Krummel	Referring to the fiscal impact statement on HB 2118, asks whether this is going to constitute an unfunded mandate to cities and counties.
088	Youngs	Responds that it would not.
092	Rep. Uherbelau	Asks for clarification that they would approach the county first, and if they cannot deal with the weed control, then ODA would it.
094	Youngs	Responds that this is correct.
103	Jean Underhill Wilkinson	Oregon Cattlemen's Association (OCA). Testifies on her organization's concerns with HB 2118.
157	Rep. Krummel	Asks if OCA was approached by ODA at all regarding the bill.
159	Wilkinson	Responds that to her knowledge, they were not.
163	Rep. Kropf	Asks Ms. Underhill-Wilkinson if she has a written copy of her organization's concerns that could be submitted to the committee.
165	Wilkinson	Responds that she does not, but she will get them to the committee.
170	Chair Wells	Asks what power have local weed control districts had in the past.
174	Wilkinson	Responds that it is her understanding that the counties currently have the authority to form weed control districts and require landowners to take care of weed infestations on private lands.
182	Chair Wells	Asks if the counties ever had the authority to go onto private lands to eradicate weeds if the landowner did not cooperate.

186	Wilkinson	Responds that she does not know for sure, but it is her understanding that they do.
189	Rep. Hill	Notes that the testimony sounds as if OCA is presupposing that there will not be cooperation by ODA, and asks if there is a reason for this.
196	Wilkinson	Responds that her organization works well with ODA, but they are skeptical when a piece of legislation does not address the questions that are raised.
204	Rep. Krummel	Asks if there were other stakeholders who were not approached about HB 2118.
210	Wilkinson	Responds that she does not know.
221	Pete Test	Associate Director, Oregon Farm Bureau (OFB). Responding to Rep. Krummelis previous question, states that OFB was not approached by ODA regarding the bill. Explains OFBis policy on noxious weeds and testifies on his organizationis concerns with HB 2118.
260	Rep. Uherbelau	Notes that the state has no authority over federal land. Asks whether the state takes action on the lands it does have some authority over.
269	Test	Responds that he does not know how they can deal with this issue. Continues reviewing his organizationis concerns with the bill.
311	Chair Wells	Referencing section one, subsection A and B of the bill, asks if this language gives OFB any comfort.
318	Test	Responds that it gives them some comfort.
328	Rep. Kropf	Asks how current county weed districts are funded.
334	Test	Explains that it varies.
360	Rep. Kropf	Asks what the possibility is of the state bringing legal action against the federal government for their lack of weed control on federal lands.
373	Test	Responds that he would have to talk to an attorney about this.
382	Rep. Uherbelau	States that they would get a lot farther if they talked to Oregonis congressional delegation.
390	Test	Notes that Sen. Gordon Smith is trying to work with the federal government on the issue of noxious weeds.

<b>TAPE 11, B</b>		
011	Neva Hassanein	Northwest Coalition for Alternatives to Pesticides. Testifies on her organization's concerns regarding HB 2118 and the issue of noxious weed control.
064	Chair Wells	States that they will not be moving the bill out today. Suggests that ODA get together with stakeholders to resolve the concerns expressed today. Closes the public hearing on HB 2118 and opens the public hearing on HB 2116.
<b><u>HB 2116 n PUBLIC HEARING</u></b>		
098	Chair Wells	Notes that Legislative Counsel staff is here to explain the repeal of the sunset provision.
104	Dave Heynderickx	Deputy, Legislative Counsel Office (LCO). Explains that the mediation program was a temporary law and was incorporated into statute as a note, not codified law, so there is no ORS section being repealed in regard to the sunset provision.
132	Rep. Uherbelau	Asks if this is the way other states deal with temporary laws in statute.
140	Heynderickx	States that LCO has discussed this and in some areas they have gone to codification of temporary provisions. Notes that the amendments to the public records law in HB 2116 were part of the original law, and explains that they are putting the repealer that was required back in 1989 into effect, taking this language out, and then putting it back in.
184	Chuck Craig	Assistant Director, Department of Agriculture. Submits and reads written testimony in support of HB 2116 ( <b>EXHIBIT C</b> ).
227	Brent Searle	Mediation Program Coordinator, Department of Agriculture. Submits and reviews written material on the mediation program ( <b>EXHIBIT D</b> ).
287	Searle	Continues reviewing submitted material.
312	Rep. Uherbelau	Asks if the mediation program is voluntary.
317	Searle	Responds that it is.
318	Rep. Uherbelau	Asks if each side pays the mediator's cost in this program.
324	Searle	Responds that the parties are required to pay \$30 per hour towards the cost of the mediation.

336	Rep. Uherbelau	Asks if the \$100,000 in court filing fees they receive makes up the difference between what the parties pay and the actual cost of the mediation.
341	Searle	Responds that it does.
358	Chair Wells	Notes it is interesting that these filing fees pay for Oregon Legal Services and part of ODA's mediation program.
368	Rep. Hill	Asks if the parties voluntarily go to mediation.
372	Searle	Responds that the program is entirely voluntary.
376	Rep. Hill	Asks for clarification that without this program, the parties could voluntarily go to a mediator.
381	Chair Wells	Asks if there are alternatives to this mediation program.
385	Searle	Responds that there are alternatives, but given the technical nature of the issues, there are not a lot of mediators with the experience and knowledge.
<b>TAPE 12, B</b>		
001	Rep. Hill	Asks for clarification that the Legislature is subsidizing this mediation program.
003	Searle	Responds that this is correct.
007	Chair Wells	Asks where all court filing fees currently go.
009	Rep. Uherbelau	Responds that they go to different areas. Explains the filing fees.
020	Chair Wells	Asks for clarification that no General Fund money goes into the mediation program.
022	Searle	Responds that this is correct.
023	Chair Wells	Asks how many people are involved in the mediation program.
025	Searle	Responds that 20% to 30% of his time is currently spent managing the program.
029	Rep. Beyer	Asks how many total FTE are in the mediation program.

030	Searle	Responds that currently 20% of his paycheck comes from this program.
032	Rep. Beyer	Asks what the administrative costs are for the mediation program.
036	Searle	Responds that the \$80,000 budgeted for this biennium covers the entire cost of the program.
046	Rep. Beyer	Asks for clarification on the amount of money each party pays for the mediation.
049	Searle	Responds that it is \$30 an hour per party.
057	Rep. Uherbelau	Using the example of mediation involving 50 parties, asks whether the \$30 is divided among the 50 parties, or each party pays \$30.
061	Searle	Responds that in the case of labor disputes they do not charge any of the parties, but in all other cases the parties involved each pay \$30 an hour.
073	Rep. Uherbelau	Asks for clarification that the mediator in farm labor cases is paid out of the \$80,000 budgeted to the program.
075	Searle	Responds that this is correct.
076	Chair Wells	States that they will not be moving the bill out today because a fiscal impact statement has not been issued yet.
091	Don Schellenberg	Associate Director of Government Affairs, Oregon Farm Bureau. Testifies in support of HB 2116.
127	Rep. Uherbelau	Notes that through a litigation, the decision made can have an effect on other people in the future, but through mediation the decision only affects the parties involved.
131	John McCulley	Representing Tree Fruit Growers. Testifies in support of HB 2116.
151	Chair Wells	Closes the public hearing on HB 2116. Adjourns the committee at 10:06 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ HB 2118, written testimony, George Pugh, 9 pp.**

**B ñ HB 2118, written testimony, Lorna Youngs, 1 p**

**C ñ HB 2116, written testimony, Chuck Craig, 1 p**

**D ñ HB 2116, written material, Brent Searle, 4 pp.**