

HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY

March 2, 1999 Hearing Room D

8:30 p.m. Tapes 25 - 26

MEMBERS PRESENT: Rep. Larry Wells, Chair

Rep. Jeff Kropf, Vice-Chair

Rep. Terry Thompson, Vice-Chair

Rep. Roger Beyer

Rep. Jim Hill

Rep. Elaine Hopson

Rep. Jerry Krummel

Rep. Judy Uherbelau

MEMBER EXCUSED: Rep. Ryan Deckert

STAFF PRESENT: B. Harrison Conley, Administrator

Samantha Demchak, Administrative Support

MEASURE/ISSUES HEARD: SB 225 Public Hearing and Work Session

HB 2973 Public Hearing

SB 237 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.

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TAPE/#	Speaker	Comments
004 Chair Wells Opens hearing at 8:33 a.m.		
TAPE 25, A		
<u>PUBLIC HEARING SB 225</u>		
		Staff submits (EXHIBITS A, B, C).
029	Clark Seely	Fire Protection Director, Oregon Department of Forestry (ODF). Presents written testimony in support of SB 225 (EXHIBIT D).
071	Rep. Uherbelau	Asks if the wording " no person shall be liable for property damage" limits the liability of the state.
081	Seely	Answers the "no person" reference does include the state.
089	Chair Wells	Asks if ODF means for the training of burn managers to be turned over to a private agency.
093	Seely	Answers the training is done on a fee basis. Adds ODF would like to explore all the training avenues available.
103	Chair Wells	Asks if there is a limited window of time when burning is allowed.
110	Seely	Responds, yes. States education would help land owners learn about the time to burn.
113	Rep. Uherbelau	Asks if third persons are doing the training, will the ODF still do the oversight.
124	Seely	Responds yes.
128	Chair Wells	Closes public hearing on SB 225. Opens work session SB 225.
<u>SB 225 Work Session</u>		
130	Rep. Thompson	MOTION: Moves SB 225 to the floor with a DO PASS recommendation.
		VOTE: 7-0

		EXCUSED: 2 - Rep. Krummel, Rep. Deckert
	Chair Wells	Hearing no objection, declares the motion CARRIED.
146	Chair Wells	Opens public hearing on HB 2973
<u>HB 2973 Public Hearing</u>		
161	Harrison Conley	Committee Administrator. Explains HB 2973
167	Chair Wells	Explains most farm equipment is larger than 4 1/2 feet
187	Sen. Charles Starr	District 5. States the reason for SB 228 is, that processor-owned harvesting equipment occasionally needs to be moved after dusk. States this is now illegal.
224	Sen. Starr	Adds the amendments will allow these operations to proceed as they should.
231	Rep. Uherbelau	Asks if renting or leasing the equipment means the equipment will be out on the road more than farmer-owned equipment.
242	Sen. Starr	Responds affirmatively.
251	Rep. Uherbelau	Asks if this movement would take place on two lane highways.
265	Sen. Starr	Answers yes.
280	Rep. Uherbelau	Asks if these vehicles being on the road are a danger to society.
291	Sen. Starr	Answers that moving more than one piece of farm equipment at a time is a way to make it safer.
304	Chair Wells	Asks if this is a road master issue for the county.
310	Sen. Starr	Answers, there was an issue of not being able to move harvesting equipment after dusk.
325	Chair Wells	Asks if the law closes the loop hole so he can move his equipment and do custom work.

338	Sen. Starr	States the Department of Transportation could better answer that question.
357	Chair Wells	Asks if harvesting crops for farms that are owned by processors poses a problem.
362	Steve Johnson	Manager of Field Services, Oregon Department of Transportation (DOT). Presents written testimony on HB 2973. (EXHIBITS E & F).
400	Chair Wells	Asks if line 22 in HB 2973 opens the door for a farmer to do work for a neighbor.
422	Johnson	States ODOT's prime goal is safety. Adds there is an exemption for farming. Notes adjustments need to be made in the statute.
462	Chair Wells	Asks if ODOT has any amendments to HB 2973.
Tape 26, A		
005	Johnson	Answers yes. Adds the original proposal ODOT had, changed the wording from "harvesting of agricultural crops" to "perform agriculture activities". Continues there were problems with the original wording of "incidental to a farming operation". Adds DOT thought the word "incidental" would cause problems.
025	Chair Wells	Asks where the current requirements for an implement dealer originated.
030	Johnson	Answers the requirement's came from ORS, Chapter 818.
040	Rep. Beyer	Asks if the conditions are in Administrative Rule.
042	Johnson	Answers conditions are in ORS 818.200.
050	Rep. Beyer	Asks if ODOT has a set of rules to deal with vehicle weight and size.
055	Johnson	Answers there are administrative rules to be followed.
060	Rep. Beyer	Requests a copy of those rules.
062	Chair Wells	Asks what the difference is, if a farmer contracts the equipment from a dealer.
065	Johnson	Answers that the equipment can be moved because it was contracted by the farmer.

069	Don Shellenberg	Associate Director, Oregon Farm Bureau (OFB). States OFB conceptually supports HB 2973. Indicates OFB would like to add the word "activities" after the word "farming".
087	Wells	Asks what that changes.
092	Shellenberg	Answers that it takes out the condition that the piece of equipment must be hired. States when the wording says "engaged in farming" the person, files, a schedule F, which is how farm income is reported. A custom operator uses a schedule C. Adds the word "activities" would make no difference if you are a farmer or custom operator.
105	Rep. Kropf	States that it is important to include custom operators in what ever language the committee comes up with.
113	Shellenberg	Adds if "hired or contracted by a farmer" were added HB 2973 would cover all bases.
127	Ron Moore	Pacific Northwest Hardware and Implement Association (PNHIA). States PNHIA supports HB 2973 with the amendments.
167	Chair Wells	States he is unsure the committee should open up the delivery issue.
170	Rep. Uherbelau	States she was unaware we were opening it up to the delivery issue.
180	Moore	Notes taking delivery of a piece of farm appears to be incidental to the farming operation.
196	Chair Wells	States he is aware of incidents where the owner operator has been stopped because of the current statute.
205	Johnson	Notes the amendment will fix that.
214	Chair Wells	Asks if the committee and PNHIA are in agreement .
219	Rep. Krummel	Asks when a farmer rents or leases a piece of equipment, is there a delivering fee.
234	Moore	States he is unsure if there is an additional fee for delivery.
246	Rep. Hill	Asks what the extent of HB 2973 is. Inquires if there a reasonable distance to drive the equipment.

280	Shellenberg	States there will not see any difference. Adds HB 2973 simply legalizes the custom operator.
290	Rep. Hill	Asks if a piece of equipment was going to be moved by a custom operator today, would they need a permit.
301	Shellenberg	Responds affirmatively.
307	Rep. Hill	Asks why large pieces of farming equipment should be treated differently than other large pieces of equipment.
317	Shellenberg	States the different is these were farm to market roads. Adds this is something the farmers have been doing for years. Continues construction workers come into the farm zones, not the other way around.
331	Rep. Hill	Asks why there should be an exemption for farm equipment.
339	Rep. Hopson	Suggests, what is being changed in HB 2973 is already being done just illegally at this point.
367	Shellenberg	Answers yes.
379	Wells	States the committee still needs clarification on this issue.
381	Rep. Uherbelau	States she can agree with the changes. Adds she is troubled by what is able to be done by existing law.
Tape 25, B		
032	Johnson	Notes if the piece of equipment is owned by the farmer it is allowed to be moved. Adds the confusion results from people who claim the equipment is "like" their own, it does not, however, belong to them.
053	Rep. Uherbelau	Asks about the ODOT interpretation of the current law concerning farmers getting permits.
072	Johnson	State most farmers do get permits.
085	Rep. Hill	Asks about custom farmers, why do they just get the permits. Adds if the committee made it easier to get permits more people would get them. States there are still safety issues in the urban areas.
119	Rep. Kropf	States there is nothing in HB 2973 to eliminate good safety practices.

		Specifically, there are no companies that can afford not to be as safe as possible.
120	Neal Michael	National Frozen Foods. it is not possible to get a trip permit to move large farm equipment at night. Adds this is sometimes necessary due to harvesting.
122	Rep. Hill	States moving equipment is not an issue for him. Notes HB 2073 exempts people from getting a permit, this would possibly cause a safety issue.
139	Chair Wells	Closes public hearing on HB 2973. Opens public hearing on SB 237.
<u>SB 237 Public Hearing</u>		
212	Chuck Craig	Oregon Department of Agriculture (ODA). States Ginseng is an endangered plant species. Adds growers need a system of licensing that is approved by the federal government. Notes for this reason, there is a Ginseng Licensing Board in Oregon. Continues SB 237 transfers the account balance in the Ginseng licensing account to a new account, which the interest accrues to the Ginseng licensing account rather than the general fund. Notes SB 237 also changes the name of the Advisory Board to the Advisory Committee to underscore that this is not a formal governing body.
240	Chair Wells	Asks what is the service fund .
246	Craig	Answers that the internal service fund is an interest bearing fund within the department that contains dedicated funds from many programs where fees are collected for a specific purpose.
252	Rep. Uherbelau	Asks how the administrative costs are paid.
263	Dan Hillburn	ODA. Answers that the licensing fees are prepared and administrators charge their time to the accounts.
282	Rep. Uherbelau	Asks how the funds are used.
288	Hillburn	Answers the money is dedicated to the Ginseng account, it will be used to manage to Ginseng Certification Program.
297	John Dahlberg	Ginseng Grower, Turner Oregon. States Ginseng growers are requesting a bill that makes sense. Notes the changes need to be neater and cleaner. Adds not all people have sent in money for licenses because a license is not required until the growers export. Indicates Ginseng growers are under obligation to meet many international treaties.
343	Charles Prichard	Vice President, Growers Association. States the industry currently has 120 growers in Oregon and Washington. Notes the industry is alive and well.

350	Chair Wells	Closes public hearing on SB 237, opens work session on SB 237.
<u>SB 237 Work Session</u>		
355	Rep. Thompson	MOTION: Moves SB 237 to the floor with a DO PASS recommendation.
		VOTE: 8-0 EXCUSED: 1 - Rep. Deckert
	Chair Wells	Hearing no objection, declares the motion CARRIED. REP. WELLS will lead discussion on the floor.
371	Chair Wells	Notes there will be no hearing Thursday. Adjourned hearing.

Submitted By, Reviewed By,

Samantha Demchak, Harrison Conley,
Administrative Support Administrator

EXHIBIT SUMMARY

- A - SB 225, public testimony submitted prior to meeting, staff, 1 p.**
- B - SB 225, public testimony submitted prior to meeting, staff , 1 p.**
- C - SB 225, public testimony submitted prior to meeting , staff, 2 pp.**
- D - SB 225, written testimony, Clark Seely, , 1 p.**
- E - SB 225, written testimony, Steve Johnson, 1 p.**

F- SB 225, written testimony, Steve Johnson, 1 p.