

**HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY**

**May 20, 1999 Hearing Room D**

**8:30 a.m. Tapes 67 - 68**

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

**Rep. Terry Thompson, Vice-Chair**

**Rep. Jeff Kropf, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Ryan Deckert**

**Rep. Jim Hill**

**Rep. Elaine Hopson**

**Rep. Jerry Krummel**

**Rep. Judy Uherbelau**

**STAFF PRESENT: B. Harrison Conley, Administrator**

**Samantha Demchak, Administrative Support**

**MEASURE/ISSUES HEARD: SB 670 Work Session**

**SJM 14 Public Hearing and Work Session**

**SB 1151 Work Session**

**SB 1212A Work Session**

TAPE/#	Speaker	Comments
<b>TAPE 67, A</b>		
012	Chair Wells	Calls meeting to order. Opens work session on SB 670.
<b><u>SB 670 WORK SESSION</u></b>		
		Staff distributes ORS statutes ( <b>EXHIBIT A</b> ).
050	Al Elkins	Oregon Hunters Association. States that there is a question as to how a hunting or fishing license is taken away.
056	Chair Wells	Notes the issue is how to keep track of persons whose license privileges that are revoked/suspended.
066	Elkins	Asks who is in violation if a license is given to a person whose privilege is suspended.
077	Rep. Hill	Notes a person would know that they are restricted from having a license because the penalty is imposed by the court.
086	Harrison Conley	Committee Administrator. Reminds members of previous testimony from Notes Oregon Department of Fish and Wildlife (ODFW) has a list, so the point of sale person is not put in the position of declining an applicant.
108	Lindsay Ball	Captain, Fish and Wild Division, Oregon State Police. Notes when a person is suspended from hunting and fishing in Oregon, notice is sent to the ODFW. Adds that the department maintains a list of people suspended. Continues that it is then the responsibility of the State Police to revoke the new license.
150	Chair Wells	Asks how comfortable ODFW is with the bill.
180	Rod Harder	Oregon Sportsmeans Defense Fund (OSDF). Responds he is not comfortable with the bill. Notes the judges' discretion should not be removed.
200	Rep. Hill	Questions the wording of SB 670.
214	Rep. Uherbelau	Asks where are the changes from mandatory to discretionary.
227	Harder	Answers on line 27 and 28. Stresses he has problems with the fact that defining property lines is very difficult.

250	Rep. Beyer	Notes these concerns were discussed in the workgroup.
300	Rep. Kropf	Notes the intent of this bill is to punish those who maliciously and harmfully trespass.
312	<b>Rep. Beyer</b>	<b>MOTION: Moves to ADOPT SB 670-3 amendments dated 5/18/99.</b>
333	Marianne Milligan	Legislative Counsel. Notes a person can either be convicted or forfeit bail not both.
350	Rep. Hill	Asks if page six of the hand- engrossed version contains the conflict amendments.
389	Milligan	Answers yes.
411	Conley	Notes section 2 (a) is to conform with SB 220.
419	Rep. Beyer	Withdraws motion to adopt SB 670-3 amendments.
<b>TAPE 68, A</b>		
011	Wells	Closes work session on SB 670. Opens public hearing on SJM 14.
<b><u>SJM 14 PUBLIC HEARING</u></b>		
030	Conley	Discusses provisions of SJM 14.
033	Rich Birkemeier	Canby, hazelnut grower. States filbert blight has been in Oregon since 1986. Indicates the only effective way to effectively eliminate control the blight is development of with a new immune variety of hazelnut tree.
062	Chair Wells	Asks if there is a chemical spray available on the market to combat the filbert blight.
067	Birkemeier	Notes the name of the chemical is propiconazole. Adds it is available under a variety of names.
072	Rep. Uherbelau	Asks if there is a threshold that is being crossed with this cancer causing chemical.
080	Dr. Jay Pscheidt	Plant pathologist, Oregon State University (OSU). Notes the EPA is currently

		discussing the dangers of using propiconazol.
094	Rep. Uherbelau	Asks when a blight-free tree would be available.
100	Dr. Shawn Mallenbacher	Plant breeder, OSU. Answers sometime in 2004.
104	Rep. Uherbelau	Asks if there is an alternative chemical that could be used.
108	Pscheidt	Answers there are other chemicals that can be used, but the orbit chemical is more effective.
116	Chair Wells	Notes he would like to know who made the determination that the chemical was cancer causing.
126	Rep. Thompson	Asks if propiconazol can seep into the streams.
130	Pscheidt	Responds that it has not been found in streams in Oregon.
140	Chair Wells	Closes public hearing on SJM 14. Opens work session on SJM 14.
<b><u>SJM 14 WORK SESSION</u></b>		
170	Rep. Beyer	<b>MOTION: Moves SJM 14 be sent to the floor with a BE ADOPTED recommendation.</b>
		<b>VOTE: 5-4</b> <b>AYE: 5 - Beyer, Hill, Kropf, Krummel, Wells</b> <b>NAY: 4 - Deckert, Hopson, Thompson, Uherbelau</b>
Chair Wells		<b>The motion CARRIES.</b>  <b>REP. KRUMMEL will lead discussion on the floor.</b>
		Closes work session on SJM 14. Opens work session on 1212A
<b><u>SB 1212A Work Session</u></b>		

229	Jim Krahn	Oregon Dairy Farmers Association (ODFA). Testifies in support of SB 1212A. Reads from written testimony. Notes in the past ten years the number of dairy producers has declined by 45 percent ( <b>EXHIBIT B</b> ).
280	Krahn	Continues reading from written testimony. Notes that there are many pressures on Oregon Dairy Farmers. Indicates that Oregon is now a deficit milk state
320	Rep. Uherbelau	Asks if food stamps and the nutrition program for the elderly will be continued under the amendments.
350	Krahn	Answers they do not protect those programs. Notes the compact commission has the right to do that if they wish.
388	Rep. Uherbelau	Asks why not hold these people harmless in the amendments.
400	Krahn	Answers that the commission should have the right to look at those issues.
<b>TAPE 67, B</b>		
081	Rep. Hill	Asks how much of a spread is there between the wholesale price and retail price.
089	Krahn	Responds that the price has gone up 46 percent since 1996.
095	Rep. Krummel	Asks if the Northwest Milk Marketing Federation is in place, why is a compact needed.
102	Krahn	Responds that the compact would put everyone on an even playing field.
<b>122</b>	<b>Rep. Hopson</b>	<b>MOTION: Moves to ADOPT SB 1212A-3 amendments dated 05/12/99.</b>
156	Rep. Krummel	Asks how important is pasteurization.
162	Chair Wells	Answers if the -3 amendments are adopted the -5 amendments will then be adopted into the bill as well.
168	Rep. Thompson	Asks where the -5 amendments came from.
173	Chair Wells	Notes they came from the committee.
<b>193</b>		<b>VOTE: 8-1</b>

		<b>AYE: 7 - Beyer, Deckert, Hill, Hopson, Krummel, Uherbelau, Wells, Kropf</b> <b>NAY: 1 - Thompson</b>
	<b>Chair Wells</b>	<b>The motion CARRIES.</b>
189	Conley	Notes that in current law, the first sale is milk that is either pasteurized or from a disease-free herd. Subsequent sales require that the milk is both pasteurized and from a disease-free herd. The 5 amendments resolve that inconsistency in current lawthe original version of the bill page 2, section 5 sub (2) notes it is the first sale of milk by the producer.
196	<b>Rep. Hill</b>	<b>MOTION: Moves to ADOPT SB 1212A-5 amendments dated 5/20/99.</b>
		<b>VOTE: 9-0</b>
<b>Chair Wells</b>		<b>Hearing no objection, declares the motion CARRIED.</b>
<b>Rep. Hill</b>		<b>MOTION: Moves SB 1212A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
278	<b>Larry Swan</b>	<b>VOTE: 8-1</b> <b>AYE: 8 - Beyer, Deckert, Hill, Hopson, Kropf, Krummel, Uherbelau, Wells</b> <b>NAY: 1 - Thompson</b>
	<b>Chair Wells</b>	<b>The motion CARRIES.</b>
289	Chair Wells	Closes work session on SB 1212A. Opens work session on SB 1151.
<b><u>SB 1151 WORK SESSION</u></b>		
		Staff distributes testimony received prior to hearing <b>(EXHIBIT C)</b> .

353	Mark Kane	Reach Inc. States his company primarily hires people with physical handicaps. Indicates there are 2.2 million acres of western juniper in Oregon. Presents western juniper slide show.
		Staff distributes oversized exhibit ( <b>EXHIBIT D</b> ).
370	Chair Wells	Asks if western juniper should be under the Department of Forestry or Department of Agriculture.
400	Kane	Notes that both departments believe feel they have jurisdiction. Adds
<b>TAPE 68, B</b>		
003	Rep. Uherbelau	Asks about the wording of the bill on page 2, line 2.
009	Conley	Notes the commas in the sentence make the construction ambiguous difference in the wording.
020	Kane	Indicates the intent is for juniper he wants to be excluded from the definition of "forest products industry definition."
032	Charlie Stone	Assistant State Forester. Notes the bill, as drafted, deals with how to harvest juniper economically harvest Juniper. Notes the two tax exemptions were added in by the Senate. Indicates he disagrees with the tax exemptions prior to conducting the study.
065	Pete Test	Associate Director of Governmental Affairs, Oregon Farm Bureau. Notes juniper is native to Oregon. Indicate that any product from juniper is secondary to control of juniper.
<b>069</b>	<b>Rep. Hill</b>	<b>MOTION: Moves SB 1151 to the floor with a DO PASS recommendation.</b>
<b>073</b>	<b>Chair Wells</b>	<b>VOTE: 7-2</b>  <b>AYE: 7 - Beyer, Deckert, Hill, Hopson, Kropf, Krummel, Wells</b>  <b>NAY: 2 - Thompson, Uherbelau</b>
	<b>Chair Wells</b>	<b>The motion CARRIES.</b>  <b>REP. WELLS will lead discussion on the floor.</b>

089	Chair Wells	Closes work session on SB 1151. Adjourns hearing.
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Submitted By, Reviewed By,

Samantha Demchak, B. Harrison Conley,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - SB 670, ORS statutes, staff, 4 pp.**

**B - SB 1212A, written testimony, Jim Krahn, 14 pp.**

**C - SB 1151, written testimony, Larry Swan, 22 pp.**

**D - SB 1151, juniper samples, Mark Kane, oversized exhibit**