

HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY

May 04, 1999 Hearing Room D

8:30 a.m. Tapes 57 - 58

MEMBERS PRESENT: Rep. Larry Wells, Chair

Rep. Jeff Kropf, Vice-Chair

Rep. Roger Beyer

Rep. Jim Hill

Rep. Elaine Hopson

Rep. Jerry Krummel

Rep. Judy Uherbelau

MEMBER EXCUSED: Rep. Terry Thompson, Vice-Chair

Rep. Ryan Deckert

STAFF PRESENT: B. Harrison Conley, Administrator

Samantha Demchak, Administrative Support

MEASURE/ISSUES HEARD: SB 224A Public Hearing

SB 226 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.

TAPE/#	Speaker	Comments
TAPE 57, A		

SB 224A PUBLIC HEARING

003	Chair Wells	Opens public hearing on SB 224A at 8:30 a.m.
008	Harrison Conley	Committee Administrator. Discusses provisions of SB 224A.
020	Charlie Stone	Oregon Department of Forestry (ODF). Testifies in support of SB 224A. Notes SB 224A will improve Oregon's ability to prevent and respond to wild fires (EXHIBIT A) .
030	Chair Wells	Indicates the committee members are familiar with compacts. Indicates a compact is an agreement that allows states to work together.
055	Stone	Indicates this compact was approved by Congress last year. Responds that ODF has received advice from Oregon's Attorney General.
066	Chair Wells	Asks how this issue arose.
070	Stone	Notes Oregon's pool of forest fire suppression resources was shrinking and SB 224A was a way to expand Oregon's access to additional resources.
077	Chair Wells	Asks for an explanation of how fires are fought.
082	Stone	Notes all forest land owners are responsible to provide protection for their land. Notes there are rural aid agreements in many areas.
095	Chair Wells	Asks if there are fire districts.
098	Stone	Replies there are many districts throughout Oregon. Notes the districts work with the Board of Forestry. Adds there are 14 fire protection districts in Oregon.
116	Rep. Uherbelau	Asks about the amendments that were made in the Senate and how that will affect the impact of the bill.
134	Stone	Notes there was concern about jeopardizing our ability to respond in Oregon by sharing fire fighting resources under the compact. Indicates Oregon can say no to sending resources under the compact if sending them jeopardizes the ability to respond locally.
165	Rep. Beyer	Asks if this will make an agreement with Canada.
170	Stone	Responds affirmatively

178	Rep. Beyer	Asks if this would make Oregon a net exporter of fire suppression resources.
182	Stone	Replies there are several existing resource sharing agreements with other states and these have not negatively affected Oregonis in-state response. Adds Canada has an earlier fire season than Oregon.
197	Rep. Beyer	Ask who will pay the bill for the firefighters.
206	Stone	Answers the ODF budget will not be increased to fund more firefighters.
223	Rep. Uherbelau	States the language in the bill is very broad.
249	Chair Wells	Asks about the cost per acre to protect from fire.
254	Stone	Notes that the cost varies from .50 cents to \$1.50 per acre.
260	Chair Wells	Asks if there is insurance available.
266	Stone	Notes there is an emergency fund. Adds the Forest Harvest Tax contributes to the fund. States there is a cap on the emergency fund of 15 million dollars. Continues insurance is bought from Lloyd's of London with money from the emergency fund.
311	Chair Wells	Asks what the term "wildland" means.
333	Stone	Answers that is the term for grazing or forest land. Indicates it is any non-urban land.
349	Rep. Beyer	Asks if other states provide the same level of insurance coverage as Oregon.
374	Stone	Notes Oregon is unique in its fire protection plan.
400	Chair Wells	Asks if the committee needs an amendment fromLegislative Counsel.
420	Conley	Notes an emergency clause is boilerplate language.
TAPE 58, A		
013	Rep. Hill	Suggests wording for an amendment to SB 224A.
020	Rep. Uherbelau	Asks if this would make the legislature micro-managers.

034	Stone	Indicates it would not. Adds he welcomes Rep. Hillis amendment suggestion.
044	Rep. Hill	Notes Congress is not contributing any money. Indicates Congress would have a different view if it was spending federal money.
097	Chair Wells	Closes public hearing on SB 224A. Opens work session on SB 224A. Indicates staff will request a Legislative Counsel draft.
<u>SB 224A WORK SESSION</u>		
107	Rep. Krummel	Asks if there is a fiscal impact.
166	Conley	Notes there is no revenue or fiscal impact.
122	Chair Wells	Closes work session on SB 224A. Opens public hearing on SB 226.
<u>SB 226 PUBLIC HEARING</u>		
131	Conley	Discusses provisions of SB 226.
150	Stone	Notes section 1 of SB 226 deals with zone one lands. Notes zone one lands lie outside the fire protection areas (EXHIBIT B).
183	Chair Wells	Referring to page 3, in line 22, asks what is meant by "alternate techniques."
210	Stone	Responds alternate techniques refers to any of several firefighting tactics that a landowner may consider to be more compatible with the particular values or resources for which the property is managed. Adds we will consider those alternative tactics if it appears that the tactics can be used effectively to control the fire.
230	Chair Wells	Asks where the "let it burn" philosophy comes from.
234	Stone	Answers that an unplanned fire needs to be put out as soon as possible. Continues to reduce a fire the fuel load is left to burn. States controlled burns are used to reduce the fuel load.
261	Rep. Beyer	Asks who is liable if an alternative technique is requested by a land owner and the fire escapes.
271	Stone	Answers he is unsure. Indicates alternative techniques would not be used if there is a chance of the fire spreading.

287	Rep. Uherbelau	Notes the final decision is ultimately made by the Department of Forestry.
300	Stone	Responds affirmatively.
330	Chair Wells	Notes there is adequate language in the bill to deal with the issue of clearing.
360	Rep. Hill	Asks why there is a request to define the word "clearing" in the statute.
400	Stone	Answers there has not been a specific problem. Inclusion of the definition helps to avoid potential misunderstandings since the word is used in statute.
417	Chair Wells	Closes public hearing on SB 226. Opens work session on SB 226.
<u>SB 226 WORK SESSION</u>		
419	Rep. Uherbelau	MOTION: Moves SB 226 to the floor with a DO PASS recommendation.
418	Rep. Hill	Indicates he would like to see an amendment to the bill.
422	Chair Wells	Indicates there is not enough of a problem to request an amendment.
TAPE 57, B		
020	Rep. Beyer	Notes he has some concerns about the wording in SB 226 regarding liability.
060	Rep. Uherbelau	States section 3 does not limit the standard of care the Department of Forestry has to provide. Notes the liability would remain the same.
073	Rep. Beyer	Reiterates there is no reason to put this language in the statute. Indicates there is no reason to have subsection (3) of section 3.
088	Chair Wells	Indicates there is a motion before the committee.
092	Rep. Beyer	Indicates he will vote for the bill.
		VOTE: 6-1 AYE: 6 - Beyer, Hopson, Kropf, Krummel, Uherbelau, Wells NAY: 1 - Hill

		EXCUSED: 2 - Deckert, Thompson
	Chair Wells	The motion CARRIES. REP. WELLS will lead discussion on the floor.
099	Chair Wells	Closes work session on SB 226. Adjourns hearing at 9:40 a.m.

Submitted By, Reviewed By,

Samantha Demchak, B. Harrison Conley,
Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 224A, written testimony, Charlie Stone, 2 pp.

B - SB 226, written testimony, Charlie Stone, 2 pp.