

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

June 11, 1999 Hearing Room D

8:00 AM Tapes 201 - 202

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Jason Atkinson

Rep. Richard Devlin

Rep. Juley Gianella

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

STAFF PRESENT: Harrison Conley, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: SB 775A Public Hearing and Work Session

SB 1125A Public Hearing

SB 678B 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 201, A		
004	Chair Welsh	Calls the committee to order at 8:18 a.m. Opens the public hearing on SB 775A.
<u>SB 775A n PUBLIC HEARING</u>		

007	Sen. Eileen Qutub	Senate District 4. Testifies in support of SB 775A.
028	Rep. Taylor	Notes the conversation she had with the court appointed special advocate (CASA) in her district regarding SB 775A.
032	Rep. Kruse	Expresses his support for SB 775A and the CASA program.
051	Donna Middleton	Director, Commission on Children and Families. Testifies in support of SB 775A.
081	Timothy Travis	Oregon Judicial Department. Notes that there are some legal issues that have to be worked out if the CASA program is going to come under the Judicial Department. Testifies in support of SB 775A.
096	Middleton	Referencing section 1(3) of the bill, states that they did not envision this to be a very official process. Asks if it would be acceptable to have the chair serve as facilitator.
111	Chair Welsh	Notes that the way it is setup in the bill, it is different than a task force.
118	Travis	Notes that the Judicial Department would not accept the CASA program without the permission of the Commission on Children and Families. Suggests removing this line of the bill.
130	Rep. Kruse	Comments on the decision-making of this group and that this language is included as a contingency. Notes that the intent of SB775A is to give more secure and higher level of funding to CASA.
168	Chair Welsh	Closes the public hearing and opens the work session on SB 775A.
<u>SB 775A n WORK SESSION</u>		
171	Rep. Kruse	MOTION: Moves to AMEND SB 775A on page 1, in line 23, by deleting "with the right to vote in case of a tie".
179	Rep. Kruse	Explains that this amendment does not really change anything, but it reflects what the group is going to do.
		VOTE: 6-0 EXCUSED: 3 - Atkinson, Kafoury, Morgan
188	Chair Welsh	Hearing no objection, declares the motion CARRIED.

189	Rep. Kruse	MOTION: Moves SB 775A to the floor with a DO PASS AS AMENDED recommendation.
Committee at ease while waiting for Rep. Morgan to cast her vote.		
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Kafoury [Rep. Atkinson was excused during the initial vote, but was later allowed to cast an Aye vote for the motion]
215	Chair Welsh	The motion CARRIES. REP. KRUSE will lead discussion on the floor.
216	Chair Welsh	Closes the work session on SB 775A and opens the public hearing on SB 1125A.
<u>SB 1125A ñ PUBLIC HEARING</u>		
227	Harrison Conley	Committee Administrator. Explains the provisions of SB 1125A.
263	Sen. Neil Bryant	Senate District 27. Testifies in support of SB 1125A and the ñA3 amendments.
286	Chair Welsh	States that the committee will not be moving the bill today.
302	Beth Vargas-Duncan	League of Oregon Cities. Notes that they have concerns with SB 1125A.
308	Linda Meng	Chief Deputy City Attorney, City of Portland. Comments that they would be willing to work with the interested parties to address their concerns with the bill.
334	Al Lightner	Department of Transportation. Notes that he will participate in the workgroup to address the concerns with SB 1125A. Comments on the issue of condemnation.
357	Paul Snider	Association of Oregon Counties. Notes AOCís willingness to participate in the workgroup on SB 1125A.
371	Chair Welsh	Closes the public hearing on SB 1125A and opens the public hearing on SB 678B.
<u>SB 678B ñ PUBLIC HEARING</u>		

385	Conley	Explains the provisions of SB 678B.
413	Norm Hand	Sheriff, Yamhill County. Testifies in support of SB 678B.
TAPE 202, A		
018	Rep. Taylor	Asks for clarification that a Class A misdemeanor is more stringent than criminal mischief, but less stringent than a Class C felony.
023	Hand	Responds that this is correct.
026	Chair Welsh	Notes that they are changing the particular statute that had this at a maximum of five years imprisonment and a \$100,000 fine. Asks for clarification that they are changing it to a Class A misdemeanor.
030	Hand	Responds that this is correct. Explains the benefit of having the penalty be a Class A misdemeanor.
042	Rep. Merkley	Asks what the punishment for a Class A misdemeanor is.
044	Conley	Responds that a Class A misdemeanor is punishable by up to a year in jail and up to a \$5000 fine.
051	Chair Welsh	Notes that the original bill included a more severe penalty.
053	Rep. Merkley	Notes that, as written, it would cover such things as letting air out of tires.
054	Hand	Responds that this is correct. Notes that it would cover any interference with agricultural activities.
057	Rep. Merkley	Asks if the reason for SB 678B is logging obstruction similar to that conducted by groups like Earth First.
060	Hand	Responds that Mr. Purvis could speak to how the bill came about.
062	Rep. Kruse	Notes that the bill would cover these activities, but there is a lot of stuff that some would consider mischief that is pure vandalism and this bill is directed toward that.
067	Chair Welsh	Comments on the problem landowners face with criminal mischief.
075	Rep. Merkley	States that it is his understanding that physical damage is covered under existing

		statute. Asks if SB 678B broadens the net to capture people who are obstructing agricultural operations, but are not necessarily engaging in physical damage.
082	Hand	Responds that Mr. Purvis would be able to better answer this question. Notes that the bill creates a crime that can be dealt with on an appropriate basis with the right priority.
105	Chair Welsh	Notes that the terms they should focus on is "impair or hinder agricultural operations".
111	Rep. Gianella	Notes that they are seeing damage more and more on farmland.
118	Rep. Taylor	Notes that the bill also addresses the issue of mining. Questions whether this is consistent with the measure they sent out regarding recreational mining.
127	Rep. Devlin	Notes that if there are conflicts between this legislation and SB 678B they could be addressed with conflict amendments on the Senate side.
131	Chair Welsh	Asks staff to follow up on this.
139	R. M. Clason	Deputy, Yamhill County Sheriffs Office. Submits and reviews written material (EXHIBIT A) .
159	Jerry Purvis	Purvis Farms. Submits written material (EXHIBIT B) and testifies in support of SB 678B.
206	Rep. Taylor	Asks if theft would be covered under SB 678B.
215	Purvis	Responds that anything that is done inside the property would be considered interference.
234	Rep. Taylor	Notes she has heard concerns from the counties that she represents that they will have to house the offenders.
250	Chair Welsh	Notes that the staff measure summary explains what is in current law. Asks what committee this came out of on the Senate side.
255	Conley	Responds that it came out of the Senate Judiciary Committee.
263	Purvis	Notes the seriousness of the damage done by people.
271	Rep. Merkley	Asks whether existing laws regarding property damage address this issue.

298	Glen Stonebrink	Oregon Cattlemen's Association. Responds that with damage to cattle there is a burden of proof of the amount of value that it might be. Notes that if it were a substantial amount present law would cover it, but if it were a minor amount present law would be a slap on the wrist.
327	Stonebrink	Comments on the work done by a workgroup on SB 678B after it came out of the Senate Judiciary Committee. Explains why this bill was introduced.
382	Chair Welsh	Asks whether this bill would cover a person parachuting on to someone's property.
385	Stonebrink	Responds that the burden of proof would be on the landowner.
TAPE 201, B		
009	Stonebrink	Notes that the workgroup did look at whether this bill was needed.
015	Chair Welsh	Notes that the fact there was a workgroup that dealt with the bill is a good selling point.
021	Terry Lamers	State Issues Coordinator, Oregon Small Woodlands Association. Testifies in support of SB 678B.
037	Chair Welsh	Notes that SB 678B will give law enforcement another tool for dealing with this issue.
048	Pete Test	Associate Director of Governmental Affairs, Oregon Farm Bureau. Testifies in support of SB 678B.
055	Rep. Morgan	Notes that she has been working on this bill for a long time and expresses support for SB 678B.
065	Chair Welsh	Closes the public hearing and opens the work session on SB 678.
<u>SB 678 n WORK SESSION</u>		
066	Rep. Kruse	MOTION: Moves SB 678B to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 n Kafoury

074	Chair Welsh	The motion CARRIES. REP. GIANELLA will lead discussion on the floor.
075	Chair Welsh	Closes the work session on SB 678. Announces that the committee will not be reconsidering SB 615 and that it will be sent to the floor.
091	Rep. Welsh	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. ATKINSON to BE RECORDED as voting AYE on the motion to move SB 775A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0 EXCUSED: 1 - Kafoury
096	Chair Welsh	Hearing no objection, declares the motion CARRIED.
097	Chair Welsh	Adjourns the committee at 9:21 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, B. Harrison Conley,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 678B, written material, R. M. Clason, 3 pp.

B ñ SB 678B, written material, Jerry Purvis, 7 pp.