

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 17, 1999 Hearing Room 50

4:30 p.m. Tapes 126 - 128

MEMBERS PRESENT: Sen. Gary George, Chair

Sen. Thomas Wilde, Vice-Chair

Sen. Tony Corcoran

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. Marilyn Shannon

STAFF PRESENT: Brad Harper, Administrator

Patrick Brennan, Administrative Support

MEASURE/ISSUES HEARD: HB 2118-A Public Hearing and Work Session

SJM 13-A Work Session

HB 2119-A Public Hearing

HB 2383-A Work Session

SB 1320 Work Session

SB 1028 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 126, A		
004	Chair George	Calls the meeting to order at 4:38 p.m. Opens a public hearing on HB 2118-A.

HB 2118-A PUBLIC HEARING

010	Brad Harper	Committee Administrator. Gives a brief description of the bill.
020	Chuck Craig	Assistant Director, Oregon Department of Agriculture (ODA). Testifies in support of HB 2118-A.
027	Dan Hilburn	Administrator of Plant Division, ODA. Testifies in support of HB 2118-A. Indicates the bill was designed to give the state parallel authority to counties regarding control of noxious weeds. Explains that there was a problem reaching a consensus on how to deal with the problem, leading to the A-engrossed version that will only study the problem. Says the programs will be evaluated and a plan will be developed for future implementation.
045	Chair George	Indicates that noxious weed programs are less aggressive than in the past.
054	Hilburn	Concurs with the chair. Says the county weed control programs have collectively suffered substantial budget cuts, as has the state program.
068	Sen. Fisher	Wonders about the effectiveness of an increase in weed control budgets.
070	Hilburn	Concurs that money spent studying the problem will not make the weeds go away. Mentions a budget request for additional grant money, adding that outside sources could be solicited for grants as well.
080	Pete Test	Associate Director, Oregon Farm Bureau Federation (OFBF). Testifies in support of HB 2118-A. Says that studying the problem will help to bring all interested parties on board.
090	Chair George	Asks if members of OFBF objected to going ahead with the program in the original bill, in deference to the study now before the committee.
093	Test	Replies that some members of OFBF were concerned about the speed at which the program was being implemented. Asserts that all parties should be on board before going forward, adding that it will take "just a little bit longer."
097	Jean Wilkinson	Representative, Oregon Cattlemen's Association. Testifies in support of HB 2118-A. Expresses hope that the solutions found by the study will emphasize local cooperation and funding assistance to farmers and ranchers. Asserts that noxious weed eradication is essential to watershed health.
122	Chair George	Closes the public hearing on HB 2118-A and opens a work session on HB 2118-A.

HB 2118 WORK SESSION

128	Vice-Chair Wilde	MOTION: Moves HB 2118-A to the floor with a DO PASS recommendation.
132		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair George	The motion CARRIES. SEN. WILDE will lead discussion on the floor.
135	Chair George	Closes the work session on HB 2118-A and opens a work session on SJM 13-A.
<u>SJM 13-A WORK SESSION</u>		
136	Chair George	Indicates the memorial has been brought back to the committee at the request of the sponsor.
143	Brad Harper	Committee Administrator. Gives a brief description of the bill. Mentions the bill was amended previously in committee. Indicates the ñA3 amendments (EXHIBIT A) have been submitted for consideration by the committee. Says the amendments contain a scribnerís error on line 3 and that the word "for" should be inserted after the work "funds".
177	Sen. Mae Yih	Senate District 19. Testifies in support of the ñA3 amendments to SJM 13. Says the \$14 million is meant for a combination of seeding, contracting with farmers, and for sanctuaries for feeding geese.
187	Chair George	Agrees that the amendments offer flexibility to Congress as to how to implement the program.
190	Sen. Yih	Reiterates that the \$14 million will not be given solely to the sanctuaries for seeding. Understands the advisory committee is made up primarily of farmers qualified to make good recommendations.
206	Vice-Chair Wilde	MOTION: Moves to ADOPT SJM 13-A3 amendments dated 5/14/99, with the correction of the scribnerís error on line 3, inserting "for" after "funds".
	Chair George	Hearing no objection, declares the motion CARRIED.
224	Vice-Chair Wilde	MOTION: Moves SJM 13-A be sent to the floor with a BE

		ADOPTED AS AMENDED recommendation.
228		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair George	The motion CARRIES. SEN. YIH will lead discussion on the floor.
229	Chair George	Closes the work session on SJM 13 and opens a public hearing on HB 2119-A.
<u>HB 2119-A PUBLIC HEARING</u>		
230	Brad Harper	Committee Administrator. Gives a brief description of the bill.
260	Chuck Craig	Representative, ODA. Testifies in support of HB 2119-A. Says the bill originated as an effort to deregulate smaller exotic animals while increasing the ability to regulate larger, more dangerous ones. Explains that deregulation of smaller animals would have placed them under the jurisdiction of wildlife integrity statutes of the Oregon Department of Fish and Wildlife (ODFW), which was unacceptable to owners of exotic animals. Indicates that the issues addressed by the bill are minor adjustments to existing law.
290	Andrew Clark	State Veterinarian, ODA. Testifies in support of HB 2119-A (EXHIBIT B). Outlines the changes made by the bill: <ul style="list-style-type: none"> • Definitions of exotic animals are simplified • Facilities registered under the United States Department of Agriculture (USDA) have been added to the exclusion, in addition to licensed facilities. • Terminology has been changed so as not to exclude USDA licensed and registered facilities from liability clauses of statute • Clarification that a person desiring to keep an exotic animal would need to obtain a permit prior to taking possession of the animal • Addition of a new section requiring educational materials be provided to buyers prior to sale • Risk is more specifically defined as both physical and financial and strict liability is added, except in cases of purposeful sabotage or illegal release by other parties • Capping of the permit fee at \$300 rather than \$20 Requests that the bill be amended so as to regulate wolves under the section dealing with canines.
350	Vice-Chair Wilde	Inquires why the bill would eliminate language dealing with revocation or suspension of license.

355	Clark	Replies that the statute allowed a person to be in possession of an animal prior to obtaining a permit.
361	Vice-Chair Wilde	Asks for further clarification.
367	Clark	Explains that the person must have an active, valid permit in hand, rather than an expired or revoked one.
373	Sen. Corcoran	Wonders whether wolves are considered a member of the family canidae.
377	Clark	Replies that since wolves are indigenous to Oregon, they must be added by statute to the family canidae, which consists predominantly of non-indigenous dog species.
384	Sen. Corcoran	Asks for examples of the types of exotic species regulated by ODA.
389	Clark	Offers several examples of exotic animal species: <ul style="list-style-type: none"> • Old and New World Primates • Leopards • Wolves • Bears • Fennick Foxes • Several moderate-sized feline species
405	Sen. Corcoran	Asks if exotic birds fall under a separate jurisdiction.
409	Clark	Replies that the provisions of the bill do not cover exotic birds.
TAPE 127, A		
006	Sen. Fisher	Requests clarification regarding the scientific names of cats and dogs.
012	Clark	Offers an explanation of the scientific nomenclature. Explains that domesticated cats and dogs are excluded from the bill because they are non-indigenous species and would otherwise fall under the same regulatory practices as exotic animals.
028	Vice-Chair Wilde	Mentions that amendments will be drafted and an additional work session will be scheduled for the next meeting. Directs the committee administrator to draft amendments. Closes the public hearing on HB 2119-A and opens a work session on HB 2383-A.
<u>HB 2383-A WORK SESSION</u>		

033	Vice-Chair Wilde	Indicates the bill is to be sent to the Judiciary Committee.
044	Sen. Shannon	MOTION: Moves HB 2383-A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Judiciary by prior reference.
046		VOTE: 4-0-3 EXCUSED: 3 - Dukes, Ferrioli, George
	Vice-Chair Wilde	Hearing no objection, declares the motion CARRIED.
056	Vice-Chair Wilde	Closes the work session on HB 2383-A and reopens the work session on SJM 13-A.
<u>SJM 13-A WORK SESSION</u>		
060	Vice-Chair Wilde	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SHANNON to BE RECORDED as voting AYE on the MOTION to move SJM 13-A to the floor with a BE ADOPTED AS AMENDED recommendation
	Vice-Chair Wilde	Hearing no objection, declares the motion CARRIED.
		The vote count listed previously in the minutes document has been edited to reflect the vote of Sen. Shannon.
061	Vice-Chair Wilde	Closes the work session on SJM 13-A and reopens the work session on HB 2118-A.
<u>HB 2118-A WORK SESSION</u>		
065	Vice-Chair Wilde	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SHANNON to BE RECORDED as voting AYE on the MOTION to move HB 2118-A to the floor with a DO PASS recommendation
	Vice-Chair Wilde	Hearing no objection, declares the motion CARRIED.
		The vote count listed previously in the minutes document has been edited to reflect the vote of Sen. Shannon.

071	Vice-Chair Wilde	Closes the work session on HB 2118-A. Declares the meeting to be in recess at 5:10 p.m.
074	Chair George	Reconvenes the meeting at 5:15 p.m. Opens a work session on SB 1320.
<u>SB 1320 WORK SESSION</u>		
080	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ1 amendments (EXHIBIT C) have been submitted by Sen. Corcoran and the ñ2 amendments (EXHIBIT D) have been submitted by Sen. Ferrioli.
098	Sen. Ted Ferrioli	Senate District 28. Testifies in support of the ñ2 amendments to SB 1320. Indicates that the two sets of amendments are similar in many respects and that he would support the ñ1 amendments with some minor changes. Expresses support for line 4 of the ñ1 amendments. Says that lines 6-7 insert language that is already captured in line 16 of the bill. Asserts that the deletion of lines 11-17 eliminates a critical provision for confidentiality and may hamper the ability of the Natural Resources Administrator to perform his or her task.
128	Chair George	Asks if the language contained in the bill fits the standard for language providing for the creation of the other legislative administration positions.
132	Sen. Ferrioli	Replies that there is no boilerplate standard. Indicates that the criticisms regarding bipartisanship should be acknowledged and addressed. Asserts the need for continuity in the position, which would be made easier by maintaining the office in a non-partisan manner. Reiterates that the confidentiality issue should be maintained to prevent political pressure from being brought to bear against members.
154	Vice-Chair Wilde	Inquires whether there would be the possibility of allowing a person who wishes to investigate a matter already under consideration to have their name passed on to the original requester. Suggests that such an arrangement would facilitate cooperation and efficiency for the Natural Resources Administrator.
165	Sen. Ferrioli	Replies that Legislative Counsel currently allows for such inquiries and indicates the bill would be similar in that respect.
173	Sen. Shannon	Discusses the beliefs and practices of environmentalists and suggests that the intensity of viewpoints on both sides of the natural resources issue will make finding a middle ground for the office difficult. Wonders what service the administrator position would provide that is not already provided by state agencies. Suggests the position would only result in larger government.
201	Sen. Ferrioli	Agrees that creating the position would mean enlarging government. Asserts that there is limited ability to do research during the interim between legislative sessions, as staff is scaled back during that time. Reiterates the legislative branch would have a resource that only exists currently in the executive branch. Asserts the legislature should take a proactive role in natural resources research and legislation.

227	Sen. Corcoran	Senate District 22. Testifies in support of the ñ1 amendments to SB 1320. Says the language on lines 6-7 of the amendments acknowledge the removal of Section 4. Argues that the Natural Resources Administrator should be given confidentiality akin to Legislative Fiscal and Legislative Revenue, rather than the "absolute confidentiality" granted to Legislative Counsel. Acknowledges the efforts of Sen. Ferrioli to address his initial concerns regarding the need for a nonpartisan appointment process. Suggests the administrator could be inundated with requests for information and would need the ability to prioritize and organize research efforts. Indicates the confidentiality issue is the only difference between the ñ1 and ñ2 amendments.
277	Vice-Chair Wilde	Notes that the structure outlined for the position is reminiscent of the Office of Management and Budget (OMB) in Congress, in that there is a mild amount of confidentiality balanced by making the results available to everyone. Asserts the relationship between members and the administrator position would not be an "attorney-client" relationship, and should not be treated as such by granting absolute confidentiality. Says there would be nothing wrong with releasing information regarding what the office is currently researching.
304	Sen. Ferrioli	Suggests that all members may have a different view of confidentiality and that the level provided for in the ñ2 amendments "harms nothing." Asserts there are some things that legislators would want to work on confidentially, as they may be part of their legislative agenda. Implores the committee to adopt the ñ2 amendments and allow further changes to be made in the House.
331	Sen. Dukes	Argues that legislators do not serve to move their legislative agenda, but rather to do the business of the people. Says closed-door discussions serve the purpose of no one, least of all the citizens of Oregon. Suggests the notion that there is a need to protect the privacy of legislative agendas is not consistent with the mission of the legislature. Requests an estimate of the size of the staff for the Natural Resources Administrator.
370	Sen. Ferrioli	Replies the administrator will begin with a single assistant, with the budget for further staff to be determined by committee at a later time.
379	Sen. Dukes	Notes the fiscal impact is listed at \$244,000 for two FTE positions. Assumes additional staff will be added at a later date.
383	Sen. Ferrioli	Asks what size of staff would be sufficient to serve the needs of 90 legislators.
386	Sen. Dukes	Suggests there are sufficient staff within Legislative Administration for that purpose.
387	Sen. Ferrioli	Concurs with Sen. Dukes but adds that there are insufficient personnel specialized in the field of natural resources.
392	Sen. Corcoran	Asks Sen. Dukes how she feels about the possibility of limiting the confidentiality of the bill to a record of requests made.

404	Sen. Dukes	Replies that she has never noticed a great deal of confidentiality with Legislative Fiscal or Legislative Revenue. Acknowledges that every committee administrator exercises some level of confidentiality, such as when the chair makes a request not to release information. Submits that Legislative Counsel merely makes confidentiality the standard.
TAPE 126, B		
006	Chair George	Asks if the bipartisan selection process makes the confidentiality issue easier to accept. Suggests a "natural balance" would develop, allowing for increased ability to work together when necessary.
012	Sen. Ferrioli	Submits the language in the ñ2 amendments accomplishes that goal. Says confidentiality would be absolute only at the request of the member. Discusses the political situations that could make compromises impossible, such as preemptive introduction of similar legislation.
025	Sen. Corcoran	Discusses past situations where confidentiality was no help to the original legislation. Indicates he is more concerned with confidentiality at the departmental level.
038	Sen. Fisher	Notes that the bill provides for confidentiality to be enforced only if the requester wishes to do so.
041	Sen. Corcoran	Suggests that everyone could make such a request.
042	Sen. Fisher	Asserts there are many matters of confidentiality in private business and asks why the legislature should be treated differently.
045	Sen. Corcoran	Suggests that a true, nonpartisan department would "solve a lot of problems" with regard to contentious issues. Submits that most problems result from "spring[ing] surprises on people." Asserts that the contention created by those problems results in neither side achieving their goal.
075	Sen. Ferrioli	Argues that any member, in the process of developing a comprehensive view, can be subjected to pressure by phone calls or faxes. States concepts should be allowed to be brought out whole before such pressure is brought to bear and that questions should be answered before facing the policy debate. Offers to work to refine the issue of confidentiality for the Natural Resources Administrator. Reiterates the concessions made by the ñ2 amendments regarding the appointment process and says further concessions may merely impede the process of passing the bill.
101	Chair George	Suggests it is important to remain focused on the primary issue, that being whether the legislature needs additional assistance for natural resources research. Argues that there is such a need and that the committee should not become too concerned with the details of confidentiality.

105	Sen. Dukes	Reiterates that the issue of confidentiality was raised at the first hearing.
115	Sen. Ferrioli	MOTION: Moves to ADOPT SB 1320-2 amendments dated 5/17/99.
118	Vice-Chair Wilde	Inquires whether the ñ1 amendments can be adopted subsequent to the adoption of the ñ2 amendments.
122	Chair George	Replies that the committee could adopt both sets of amendments.
132	Sen. Dukes	Says that confidentiality is not concurrent with working together.
138	Chair George	Offers an example of bipartisan efforts to pass a bill in both the Senate and the House.
145		VOTE: 6-1 AYE: 6 - Dukes, Ferrioli, Fisher, Shannon, Wilde, George NAY: 1 ñ Corcoran
	Chair George	The motion CARRIES.
155	Vice-Chair Wilde	MOTION: Moves to ADOPT SB 1320-1 amendments dated 5/17/99.
161		VOTE: 3-4 AYE: 3 - Corcoran, Dukes, Wilde NAY: 4 - Ferrioli, Fisher, Shannon, George
	Chair George	The motion FAILS.
176	Sen. Ferrioli	MOTION: Moves SB 1320 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
180		VOTE: 5-2 AYE: 5 - Ferrioli, Fisher, Shannon, Wilde, George

		NAY: 2 - Corcoran, Dukes
	Chair George	<p>The motion CARRIES.</p> <p>SEN. FERRIOLI will lead discussion on the floor.</p>
184	Sen. Ferrioli	Offers to continue to explore the issue of confidentiality with other members of the committee, once the bill is moved to the House.
190	Chair George	Closes the work session on SB 1320 and reopens the work session on HB 2118-A.
<u>HB 2118-A WORK SESSION</u>		
197	Chair George	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. DUKES AND FERRIOLI to BE RECORDED as voting AYE on the MOTION to send HB 2118-A to the floor with a DO PASS recommendation.
	Chair George	Hearing no objection, declares the motion CARRIED.
		The vote count listed previously in the minutes document has been edited to reflect the votes of Sen. Dukes and Ferrioli.
200	Chair George	Closes the work session on HB 2118-A and reopens the work session on SJM 13-A.
<u>SJM 13-A WORK SESSION</u>		
202	Chair George	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. DUKES AND FERRIOLI to BE RECORDED as voting AYE on the MOTION to send SJM 13-A to the floor with a BE ADOPTED AS AMENDED recommendation.
	Chair George	Hearing no objection, declares the motion CARRIED.
		The vote count listed previously in the minutes document has been edited to reflect the votes of Sen. Dukes and Ferrioli.
212	Chair George	Closes the work session on SJM 13-A and opens a work session on SB 1028.

SB 1028 WORK SESSION

220	Brad Harper	<p>Committee Administrator. Gives a brief description of the bill. Indicates that the ñ5 amendments (EXHIBIT E) have been submitted and are nearly identical to the ñ4 amendments previously considered by the committee, with the following changes:</p> <ul style="list-style-type: none">• The amendments provide for the development of the plan but not for its implementation, significantly reducing the fiscal impact of the bill• Clarifies that posting requirements for pesticide use are mandatory at parks, schools, and child care facilities, but no others• Changes the phrase "used on forest lands" to "applied to forest lands", so as not to include gasoline and similar substances• Deletes "establish" on page 18 line 17, replacing it with "developed"• Tightens language regarding ODA
265	Vice-Chair Wilde	<p>Recalls a previous statement regarding whether a licensed applicator is required to post notice of pesticide application and wonders if the concern was addressed.</p>
278	Harper	<p>Replies that a request was made that each school, park, or childcare facility be responsible for posting requirements. Indicates the amendments address the issue accordingly. Indicates the fiscal impact to ODA would be negligible.</p>
318	Lauri Aunan	<p>Representative, Department of Environmental Quality (DEQ). Indicates that the department's water quality staff has determined that development of a water testing program would require .5 FTE, or about \$80,000. Suggests that not all streams would need to be tested.</p>
336	Chair George	<p>Says that too much testing was a concern of the committee as well, given the cost of such an undertaking.</p>
345	Aunan	<p>Comments on Section 21. Asserts that it is not the role of DEQ to inform the Health Division in the event there be a problem with drinking water.</p>
354	Chair George	<p>Says that such notification does not seem to be the responsibility of anyone. Asserts that one of the primary concerns of the committee is to insure that there is some way to inform the public regarding the safety of drinking water.</p>
364	Aunan	<p>Asserts that such investigation would require a great deal of resources, adding that science may not be adequate to make such determinations.</p>
368	Chair George	<p>Agrees that the criteria for determination are problematic. Expresses hope that the Environmental Protection Agency (EPA) will address the issue as well.</p>
396	Sen. Dukes	<p>Asks if there are tentative plans to implement the coordinated program that would be developed by the bill.</p>

403	Aunan	Replies that implementation is probably inevitable, once the scope of the program is established and it is determined what can reasonably be done.
TAPE 127, B		
009	Sen. Dukes	Asks if the \$80,000 would be used in the next biennium solely for the development of the program.
012	Aunan	Concurs with Sen. Dukes, adding that implementation would follow development and legislative review.
015	Chair George	Concurs with Ms. Aunan.
018	Vice-Chair Wilde	Indicates that the implementation of the program was taken out of the bill because there is no way to estimate the fiscal impact of a program that has not yet been created. Acknowledges that the process may be slower, but asserts that it allows for better planning.
032	Sen. Fisher	Mentions that the bill makes no mention of what types of tests will be performed.
036	Chair George	Indicates there is the possibility that tests can be dropped once a determination is made that the test is not relevant for the area.
046	Sen. Fisher	Suggests there should be testing in different areas of the stream, rather than declaring an entire stream to be polluted based on a single test.
049	Chair George	States that the testing procedures would attempt to pinpoint the source of contamination.
060	Sen. Fisher	Asks if antibacterial disinfectants have been ruled out as being required for notification of application.
063	Chair George	Indicates that the contact person will make decisions as to what should be posted, when, and where.
078	Sen. Fisher	Asks if the disinfectants would be allowed to be applied.
080	Chair George	Indicates that diluted amounts would be excluded, while concentrated amounts may not be. Reiterates that trained applicators will have the necessary information to make decisions regarding what postings should be made.
094	Sen. Fisher	Says that the law would exclude an entire group.

097	Chair George	Replies that, since the disinfectants are available off the shelf, it was determined that they should not be as closely regulated.
103	Sen. Fisher	Mentions that farmers use off the shelf products.
104	Chair George	Reiterates that there are materials that require notice and those that do not.
115	Sen. Fisher	Submits that if farmers are to be excluded from using off the shelf materials without posting, no other entities should be allowed to do so.
118	Chair George	Asserts that schools should be required to post more stringently than other sites, due to the proximity of children to the application.
134	Sen. Dukes	Notes that pesticides and any hazardous substances are covered. Indicates that pesticides do not include anti-microbial agents, a distinction that is not made by the definition of hazardous materials. Wonders if there will be posting requirements for those materials.
158	Chuck Craig	Assistant Director, ODA. Indicates that materials defined as pesticides could be regulated.
166	Chair George	Asks if the Health Department would make determinations as to what is the proper use of potentially hazardous materials.
187	Sen. Fisher	Mentions that even Comet cleaner could pose a health hazard if used improperly.
197	Chair George	Asserts that guidelines will no doubt be developed as part of the planning process.
207	Sen. Fisher	Notes that many products come in strong solution and are not meant to be used unless they are diluted. Says the bill makes no mention of their use or their storage.
214	Chair George	Reiterates that there is no program in place to make such determinations, which is one of the primary reasons the bill is necessary. Mentions that even parents who allow their children access to hazardous materials can be held liable and that schools would no doubt be held to similar standards.
222	Sen. Dukes	Returns to the issue of determining the differences between pesticides and hazardous materials. Asserts that the two terms are being used interchangeably when they clearly are not so. Recalls testimony that said some household materials have Material Safety Data Sheets (MSDS) while others do not. Suggests the terminology should be clarified.
251	Chair George	Indicates that each product's MSDS defines the product as a pesticide, solvent, or

		otherwise. Mentions that the MSDS training, which is part of the certification process for applicators, shows the individual how to read and understand the information contained in them, as well as how to handle them. Recognizes three young farmers in attendance and invites them to introduce themselves.
275	Destiny Chapin	Chair, Marion County Young Farmers and Ranchers. Says she is studying Crop Science at Oregon State University, with a minor in Political Science.
280	Troy Hadley	Resident and farmer from Marion County. Says he works in Mount Angel and farms near Silver Creek Falls.
285	Celeste King	Resident of Silverton. Says she is studying Animal Science at Oregon State University.
294	Harper	<p>Indicates Sen. Kate Brown in SB 933 also raised the issues raised by Sen. Dukes. Mentions three sections of the bill that deal with the issue:</p> <ul style="list-style-type: none"> • Section 10 gives school districts direction to develop a hazardous substance posting program, with limited requirements • Section 11 further defines the duties of school districts under Section 10, such as maintaining MSDS on all substances used • Section 13 provides details regarding pesticide application at schools or child care facilities
330	Chair George	Asserts that the bill deals with all sorts of materials and gathers them under the umbrellas of pesticides specifically, and hazardous substances in general.
338	Harper	Mentions that Section 14 deals with the application of pesticides at state and local parks.
343	Sen. Dukes	Acknowledges the need for a different level of notification for pesticides and hazardous substances. Asserts that since the definition of hazardous substances includes pesticides the latter must comply with the more stringent restrictions placed on the former. Explains that the posting requirements for hazardous materials must also be met when using pesticides, since they fall under the definition of hazardous substances.
354	Chair George	Indicates that the two are listed separately in the bill and that certain restrictions are deleted from the sections dealing with pesticides.
356	Sen. Dukes	Refers to the fact that the bill says hazardous substances include pesticides and says that fact counteracts the elimination of the requirements for pesticides.
367	Harper	Explains that hazardous substance reporting under Section 10 is less restrictive than pesticide reporting. Asserts that other hazardous substances may be posted under less restrictive requirements.
379	Sen. Dukes	Mentions that the bill also provides for hazardous materials reporting.

381	Harper	Explains the posting for hazardous substances in schools could be done on a bulletin board, while pesticide application would require more detailed posting.
400	Dave Miller	Representative, Office of State Fire Marshal. Defines a hazardous substance as any material for which the manufacturer is required to provide an MSDS under the requirements outlined by the Occupational Safety and Health Administration (OSHA). Says the definition includes many common household substances, but that they are use in greater quantities than normal home use, which is why schools would be required to post notice for them.
412	Chair George	Asks if OSHA has standards for such materials.
TAPE 128, A		
004	Miller	Replies that OSHA has a hazard communication program that requires schools to train their employees in the hazards of handling hazardous materials. Says OSHA requirements are silent regarding posting requirements, as they are primarily concerned with the health of workers.
009	Sen. Shannon	Indicates that no school district employee can apply pesticides without a license issued by the DEQ. Asks if farmers are required to post notice when they apply pesticides.
015	Chair George	Replies that farmers must post when using particular, limited-use pesticides.
019	Hadley	Mentions that he has a private applicators license. Indicates that all edible crops must be posted as to what pesticides have been applied to them.
023	Chair George	Explains that the bill is suggesting that the facility develop a posting process under the direction of a licensed applicator, which the school could then implement.
032	Sen. Shannon	Agrees that the goal is a good one but expresses doubt that the bill could is workable.
040	Chair George	Asserts that the bill was the best attempt possible to address the issue.
045	Vice-Chair Wilde	MOTION: Moves to ADOPT SB 1028-5 amendments dated 5/17/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
051	Vice-Chair Wilde	MOTION: Moves SB 1028 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means.

054	Sen. Corcoran	Inquires if there will be an opportunity to submit a minority report after the bill is sent to Ways and Means.
056	Chair George	Indicates that such action is not allowed.
057	Sen. Corcoran	Suggests that the Committee on Ways and Means may be able to file a minority report.
058	Sen. Shannon	Asks if the bill has a subsequent referral to Ways and Means.
058	Harper	Indicates that it does not have a subsequent referral, but that the committee is adding one.
059	Vice-Chair Wilde	Suggests that he may be able to send the bill directly to the floor of the Senate.
060	Harper	Replies that the Senate President has indicated that any bill with an estimated fiscal impact greater than \$50,000 is automatically referred to Ways and Means.
071	Vice-Chair Wilde	Concurs and reiterates his motion to refer the bill rather than send it to the floor.
073		VOTE: 4-3 AYE: 4 - Ferrioli, Shannon, Wilde, George NAY: 3 - Corcoran, Dukes, Fisher
	Chair George	The motion CARRIES.
095	Chair George	Closes the work session on SB 1028 and adjourns the meeting at 6:30 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brad Harper,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SJM 13, -A3 amendments, staff, 1 p.

B ñ HB 2119-A, testimony, Chuck Craig, 1 p.

C ñ SB 1320, -1 amendments, Sen. Tony Corcoran, 1 p.

D ñ SB 1320, -2 amendments, Sen. Ted Ferrioli, 1 p.

E ñ SB 1028, -5 amendments, staff, 25 pp.