

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

May 19, 1999 Hearing Room 50

4:30 p.m. Tapes 129 - 130

MEMBERS PRESENT: Sen. Gary George, Chair

Sen. Thomas Wilde, Vice-Chair

Sen. Tony Corcoran

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. Marylin Shannon

MEMBER EXCUSED: Sen. Joan Dukes

STAFF PRESENT: Brad Harper, Administrator

Patrick Brennan, Administrative Support

MEASURE/ISSUES HEARD: HB 3295 Public Hearing and Work Session

SJR 38 Work Session

HB 2119-A Work Session

HB 3496-A Public Hearing and Work Session

SB 1267 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 129, A		
003	Chair George	Calls the meeting to order at 4:40 p.m. Opens a public hearing on HB 3295.
<u>HB 3295 PUBLIC HEARING</u>		

009	Rep. Bob Montgomery	House District 56. Testifies in support of HB 3295. Indicates the bill was brought forth at the request of the Oregon Winegrowers Association (OWA). Says the bill would authorize the posting of highway signs noting federally recognized wine grape districts in the state. Mentions that the Oregon Department of Transportation (ODOT) does not oppose the bill and that no public funds would be used to pay for the signs. Asserts that the signs would help advertise for the local wine industry.
026	Chair George	Acknowledges that ODOT will determine what signs are appropriate. Recognizes that farm production is becoming a tourist attraction, especially within the wine industry.
032	Rep. Montgomery	Mentions that there are wineries in Sen. Corcoran's district as well.
036	Sen. Wilde	Inquires why the wine industry is so interested in "dead leaf green" glass, mentioning that it causes serious problems for bottle recyclers.
042	Rep. Montgomery	Replies that he does not know.
068	Bernie Lerch	President, OWA. Testifies in support of HB 3295 (EXHIBIT A). Says that dead leaf green glass has a long history in the wine industry. Asserts that the color offers superior protection from light damage. Explains that the production methods for dead leaf green are German in origin.
085	Sen. Wilde	Wonders if deep brown glass would provide sufficient protection.
088	Lerch	Explains that brown bottles provide protection, but are more often associated with brewed beverages.
090	Sen. Wilde	Acknowledges the association of dead leaf green with wine and asks Mr. Lerch if he believes the color provides better protection from light damage than brown bottles.
092	Lerch	Replies that he believes that it does.
095	Chair George	Wonders if the entire industry uses dead leaf green.
100	Lerch	Says there are three primary colors of green used in the wine industry: champagne green, flint green, and dead leaf green. Explains that flint bottles are more expensive and do not offer sufficient protection. Says the same types of bottles are used throughout the world's wine industry. Indicates the appellation system has been used in Europe for some time, and for over 25 years in the United States. Asserts that defining the wine regions helps not only the industry but the consumer and the region as well. Discusses the defining characteristics of wines from different areas and how they effect the marketing of the product.
125	Chair George	Discusses the differences between wine regions.

134	Lerch	Reiterates that the industry is growing, although it continues to be dominated by small farmers. Says Oregon's wine industry has gained a high reputation despite its small size. Asserts that having the appellations on labels will work in concert with the road signs to allow consumers and tourists to gain a better understanding of the area. Discusses the appellations within Oregon (EXHIBIT B). Explains that the climates and soils in various regions differ significantly. Asserts that 70 percent of the wine industry is education of the public about agriculture. Asserts that the wine industry is part of Oregon's heritage.
195	Ivan Wells	Legislative Chair, OWA. Testifies in support of HB 3295 (EXHIBIT C). Discusses the different wineries and wine growing regions in Oregon (EXHIBIT D). Describes the signs used to delineate the different regions in Europe. Asserts that wine-knowledgeable people travel to each area to learn more about what makes its wine unique.
226	Chair George	Asks if the signs that would be adopted by the state will be similar to those used in Europe.
229	Wells	Replies that they will be similar, explaining that little information on the signs will be necessary, as wine-knowledgeable visitors will know what they are looking for.
236	Lerch	Interjects that many states such as New York, Michigan, Massachusetts, and Connecticut, have programs similar to the one proposed in the bill. Asserts the signs are not "obnoxious at all." Adds that those states have smaller wine industries than that of Oregon.
249	Jesse Lyon	Legal Counsel, OWA. Testifies in support of HB 3295 (EXHIBIT E). Mentions that the Bureau of Alcohol, Tobacco, and Firearms (BATF) designates nationally recognized appellations within the United States.
260	Chair George	Inquires how the state benefits from the designations.
262	Lyon	Replies that the information can be included on the label for consumer information. Says that privately owned, well known scenic attractions are eligible for directional signing and that the bill will clarify that wine appellations qualify as such. Recognizes that permits will be required for posting the signs and says the industry will pay for the permits and the signs themselves. Mentions that ODOT will review all signs prior to posting.
290	Chair George	Closes the public hearing on HB 3295 and opens a work session on HB 3295.
<u>HB 3295 WORK SESSION</u>		
295	Sen. Wilde	MOTION: Moves HB 3295 to the floor with a DO PASS recommendation.
300		VOTE: 4-0-3

		<p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 3 - Dukes, Ferrioli, Fisher</p>
	Chair George	<p>The motion CARRIES.</p> <p>SEN. GEORGE will lead discussion on the floor.</p>
315	Chair George	Closes the work session on HB 3295 and opens a work session on SJR 38.
<u>SJR 38 WORK SESSION</u>		
322	Sen. Peter Courtney	Senate District 17. Testifies in support of the ñ2 amendments (EXHIBIT F) and in opposition to the ñ3 amendments (EXHIBIT G) to SJR 38.
351	Bob Castagna	Representative, Oregon Catholic Conference. Testifies in opposition to the ñ3 amendments to SJR 38. Says that SJR 38 was introduced by the Oregon Catholic Conference to create a task force to address the problems associated with migrant worker housing. Says that the ñ3 amendments would delete important members of the task force, namely representatives of the farm workers union and legal services representatives. Asserts that the purpose of the task force is to bring knowledgeable people who are associated with migrant worker housing together to study the issue. States that the requesting organizations cannot support the bill if the union and legal representatives are deleted. Indicates that the requesters of the bill would like their names removed, should the committee adopt the ñ3 amendments.
390	Chair George	Suggests that the ñ3 amendments set up an equitable task force and add individuals who could provide valuable information to the task force.
400	Castagna	Replies that the sponsors do not oppose the addition of members to the task force, but that they are reluctant to remove knowledgeable people. Asserts that union and legal representatives for migrant workers are among the most knowledgeable on the issue. Takes exception to an article in the <i>Statesman Journal</i> that suggested the task force might seek to unionize migrant workers.
TAPE 130, A		
015	Sen. Corcoran	Asks the sponsors of the bill if they would prefer to choose a different vehicle for creating the task force.
024	Sen. Courtney	Indicates that consensus is most easily achieved when all parties are brought together. Submits that to remove some of the task force representatives is to lose the support of the sponsors. Implores the committee to find a way to accommodate both sides.

050	Chair George	States that the committee has acted cautiously so as to avoid alienating either side of the issue.
055	Harper	Explains that supporters can remove their names from the bill by sending a written request to that effect to the Secretary of the Senate prior to the bill being printed engrossed.
059	Sen. Corcoran	Suggests the committee take action if it is its intention to amend the bill, mentioning that the sponsors can have their names removed.
064	Chair George	Says that may become necessary, should the committee decide to take that action.
070	Sen. Fisher	Recalls a past experience when he was forced to remove his name from a bill that was amended by Sen. Courtney. Asserts that such occurrences are not rare.
079	Castagna	Acknowledges that there have been improvements made in the ñ3 amendments compared to the previous position of the Tree Fruit Growers. Says it is difficult to accept guest worker legislation that does not include the consultation of legal or union representatives.
100	Sen. Susan Castillo	Senate District 20. Testifies in support of the ñ2 amendments and in opposition to the ñ3 amendments to SJR 38. Argues that migrant workers must not be forced to live in deplorable conditions any longer. Says a task force would be beneficial only if all parties are allowed to participate. Suggests the committee should be sensitive to the concerns of the sponsors and that adoption of unfriendly amendments shows a lack of concern for the original intent of the bill.
143	Sen. Wilde	Recalls a previous discussion regarding the replacement of the representative from the Oregon Occupational Safety and Health Administration (OrOSHA) with a representative of the Department of Consumer and Business Services (DCBS). Asserts that OrOSHA would add a great deal more to the committee.
155	John McCulley	Representative, Tree Fruit Growers. Testifies in support of the ñ3 amendments to SJR 38. Explains that DCBS is the administrative agency that houses OrOSHA and that the representative to the task force would be a member of the latter.
158	Sen. Wilde	Indicates that the issue has been clarified.
164	Chair George	Suggests that the structure of the task force as defined by the ñ3 amendments would remove the politics and reduce the issue to how housing can be enhanced. Mentions that land use planners and commissioners would be able to work together with farm workers to find positive, proactive solutions.
172	Tim Bernasek	Representative, Oregon Farm Bureau. Testifies in support of the ñ3 amendments to SJR 38. Says the deletion of members from the task force was done primarily to address the fiscal impact of the bill. Indicates that the amendments address the committees desire to reduce the fiscal impact and remove the politics from the

		resolution. Indicates that there were efforts made to communicate the changes to Mr. Castagna, to no avail. Expresses elation that OSHA moved to address the camp that was featured in the <i>Statesman Journal</i> article. Reiterates the need to have a farmer and farm worker on the task force.
230	Sen. Corcoran	Asks Mr. McCulley and Mr. Bernasek if they would be willing to negotiate having the legal and union representatives reinstated in the bill.
238	McCulley	Replies they are satisfied with the amendments as they are. Mentions that the tree fruit growers have already made the concession of allowing for majority decision making. Indicates they would be unwilling to negotiate changes to the amendments.
250	Sen. Corcoran	Asks Mr. McCulley if he believes that migrant worker representatives know nothing about housing.
253	McCulley	Acknowledges that union representatives for workers may have valuable knowledge to be brought to the task force. Says the meetings will be held in public and will allow for the input of those parties.
262	Sen. Corcoran	Asks if legal representatives for farm workers would provide valuable information regarding housing issues.
264	McCulley	Acknowledges that they would, adding that legal representatives for growers also have knowledge about such issues.
267	Sen. Corcoran	Wonders why the growers did not bring forth a bill to deal with the issue if they were so concerned about the problem.
273	Bernasek	Agrees that growers should have brought forward legislation. Gives credit to those who brought the bill forward. Asserts that growers have something positive to offer into the discussion. Reiterates the need to keep the cost of the task force down by reducing the group to those who are best qualified to address the problem.
290	Chair George	Says the resolution as is would probably not make it through the Committee on Ways and Means. Asks if the amendments remove any language requiring the solicitation of widespread public involvement in the process.
300	McCulley	Replies that the language remains in the resolution.
302	Chair George	Notes that the amended resolution will involve public participation.
310	McCulley	Concurs with the chair.

325	Chair George	Wonders who submitted the ñ2 amendments.
330	Castagna	Replies that the ñ2 amendments were submitted by Sen. Castillo. States that the ñ2 amendments retain the legal and union representatives and would be acceptable, with the addition of ñ3 amendment language regarding majority decision making.
344	Chair George	Reiterates that the committee has a limited amount of time to deal with the issue and that the task force will solicit widespread involvement of all interested parties.
354	Chair George	MOTION: Moves to ADOPT SJR 38-3 amendments dated 5/18/99.
358		VOTE: 4-1-2 AYE: 4 - Fisher, Shannon, Wilde, George NAY: 1 - Corcoran EXCUSED: 2 - Dukes, Ferrioli
	Chair George	The motion CARRIES.
363	Chair George	MOTION: Moves SJR 38 to the floor with a BE ADOPTED AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
366		VOTE: 4-1-2 AYE: 4 - Fisher, Shannon, Wilde, George NAY: 1 - Corcoran EXCUSED: 2 - Dukes, Ferrioli
	Chair George	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
370	Sen. Shannon	Requests confirmation that the task force meetings will be open to the general public.

375	Chair George	Indicates the resolution requires the widespread involvement of persons and organizations.
380	Sen. Corcoran	Clarifies that union and legal representatives have no vote on the task force, despite the desire of the sponsors of the resolution to extend a vote to them.
395	Chair George	Closes the work session on SJR 38 and opens a work session on HB 2119-A.
<u>HB 2119-A WORK SESSION</u>		
400	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates the ñA6 amendments (EXHIBIT H) have been submitted in order to address the concerns of Dr. Anthony Clark of the Department of Agriculture. Indicates the House had meant to adopt the ñ4 amendments to the bill, but the ñ5 amendments were adopted by mistake.
TAPE 129, B		
005	Sen. Fisher	Comments on the scientific nomenclature of wolves.
015	Chair George	MOTION: Moves to ADOPT HB 2119-A6 amendments dated 5/19/99.
	Chair George	Hearing no objection, declares the motion CARRIED.
020	Chair George	MOTION: Moves HB 2119-A to the floor with a DO PASS AS AMENDED recommendation.
023		VOTE: 4-0-3 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Dukes, Ferrioli, Shannon
	Chair George	The motion CARRIES. SEN. FISHER will lead discussion on the floor.
025	Chair George	Closes the work session on HB 2119-A and opens a public hearing on HB 3496-A.

HB 3496-A PUBLIC HEARING

026	Brad Harper	Committee Administrator. Gives a brief description of the bill.
035	Jessica Harris	<p>Legislative Aide to Rep. Lynn Lundquist. Testifies in support of HB 3496-A. Indicates the bill was brought forth at the request of a constituent. Explains the bill makes the following changes:</p> <ul style="list-style-type: none">• Doubles the amount of acreage available for private hunting preserves east of the Cascade Mountains• Allows for changes in signage requirements• Reduces the fee for nonresident private reserve hunting permits from \$28 to \$9.
048	Chair George	Indicates that the Oregon Department of Fish and Wildlife (ODFW) supports the bill.
050	Rich Berry	Wildlife Division Director, ODFW. Concurs with the chair. Says the bill clarifies what permits are required for hunting on preserves.
056	Chair George	Says he understands the birds released from private preserve would be raised by the state.
061	Berry	Replies that the birds must be raised by the preserve and properly marked. Indicates that a permit is required to do so.
066	Sen. Fisher	Wonders why there is an acreage limit.
068	Berry	Replies that the limit provides parameters for buffers between preserves and surrounding lands. Adds that reserves cannot abut one another.
074	Chair George	Indicates that he was also curious about the need for limits.
080	Sen. Fisher	Inquires why there is a three-mile limit between preserves.
083	Berry	Replies that the limit is designed to provide a buffer between preserves, to prevent confusion as to whose birds were whose.
088	Sen. Fisher	Asserts that pheasants and other game birds are likely to depart and find another habitat should the conditions be better elsewhere. Says there are no buffer limitations on other types of hunting. Suggests that shotguns do not carry the risk of firing long distances, making the restrictions seem "unnatural."
101	Berry	Says he is not aware of the original intent of the buffer.

102	Harris	Indicates the constituent who requested the bill did not raise the buffer concern.
107	Sen. Fisher	Wonders why legislation was necessary to address the problem.
112	Harris	Replies that the primary concern was to reduce the cost to non-residents in order to draw them to the hunting preserve, as well as to expand the acreage.
117	Sen. Fisher	Submits that many game laws make sense.
131	Chair George	Suggests that if the bill is passed it may pique interest in expanding hunting preserves.
139	Sen. Fisher	Assumes that pheasants released west of the Cascade mountains are inferior flyers.
143	Berry	Says there are currently 45 permits, held by 35 individuals.
150	Chair George	Closes the public hearing on HB 3496-A and opens a work session on HB 3496-A.
<u>HB 3496-A WORK SESSION</u>		
155	Sen. Wilde	MOTION: Moves HB 3496-A to the floor with a DO PASS recommendation.
160		VOTE: 4-1-2 AYE: 4 - Fisher, Shannon, Wilde, George NAY: 1 - Corcoran EXCUSED: 2 - Dukes, Ferrioli
	Chair George	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
175	Chair George	Closes the work session on HB 3496-A and opens a work session on SB 1267.
<u>SB 1267 WORK SESSION</u>		

178	Brad Harper	Committee Administrator. Gives a brief description of the bill. Indicates that the ñ3 amendments (EXHIBIT I) have been submitted for consideration by the committee.
188	John McCulley	Representative, Tree Fruit Growers. Recalls that there were concerns that the amendments brought forward previously would violate the labor side agreements of the North American Free Trade Agreement (NAFTA). Indicates that their research has uncovered no requirements that would prohibit the adoption of the amendments. Says the other salient issue was whether participants in the federal H-2A program would be exempt from state regulations. Indicates that the ñ3 amendments have tightened the requirements for farmers and agricultural associations.
229	Thom Nelson	Executive Director, Hood River Grower-Shipper Association. Testifies in support of the ñ3 amendments to SB 1267 (EXHIBIT J). Recalls that a concern voiced at a previous hearing was that federal rules may be eroded, thereby reducing protections for workers. Submits that the changes that may occur would likely be to the benefit of workers rather than employers. Responds to the comment that there is no shortage of farm workers by saying that a crackdown on illegal aliens could result in a shortage of legal workers. Says that the Employment Standards Agency (ESA) has indicated that they are capable of enforcing the federal requirements. Adds that the Oregon Employment Department performs checks and reports violations to ESA. Argues that there is more opportunity for field checks through ESA than through the Bureau of Labor and Industries (BOLI).
294	Chair George	Mentions that U.S. Sen. Gordon Smith has addressed in Congress the problem of maintaining a legal work force. Indicates there are specialists who verify that paperwork is correct. Agrees that the H-2A program would offer greater protection than the state program.
324	Sen. Corcoran	Inquires whether the issue of NAFTA violations has been addressed.
332	Nelson	Replies that the National Council of Agricultural Employers is unaware of any way that violations of NAFTA could be created by Oregon law. Indicates that the Migrant Seasonal Worker Protection Act does not apply to H-2A workers. Explains that workers employed through the H-2A program are not technically employees of the contractor. States that relevant state and federal laws must be followed. Argues that the ñ3 amendments do not diminish the rules.
372	Sen. Corcoran	Understands that the purpose of the bill is to gain an exemption for farm labor contractors with regard to state regulations.
378	Nelson	Clarifies that the intent of the bill is to prevent participants in the H-2A program from being defined as farm labor contractors, thereby becoming subject to Oregon regulations. Says that Oregon is the only state that has a bond on farm labor contractors.
398	Sen. Corcoran	Concludes that the ñ3 amendments do not address the issue of potential violations of NAFTA.

404	McCulley	Explains that NAFTA requires the United States, Canada, and Mexico to maintain and enforce labor laws. Says the side agreement provides the necessary protections.
TAPE 130, B		
015	Sen. Corcoran	Requests confirmation that the ñ3 amendments do not address the concerns raised by the vice-counsel of Mexico regarding possible NAFTA violations.
019	McCulley	Replies that there has been no attempt to address the concerns because their research has indicated the concerns were unwarranted.
021	Sen. Corcoran	Asserts that no one can know what the revised version of the H-2A program will look like.
025	Nelson	Replies that there is no way to know what the final agreement will look like. Suggests that the fact that President Clinton has directed both sides to work out a compromise indicates there will be no significant reduction in worker protection. Asserts that the worst that could happen is that workers would maintain their current protections.
040	Sen. Corcoran	Wonders what would happen if farm labor contractors were exempted prior to a reduction in federal worker protections.
047	Nelson	Acknowledges that such a situation could arise, but that the legislature could address the issue again in the future.
055	Chair George	Expresses surprise that there are 600,000 illegal aliens working in the United States. Asks if those workers could be bought back legally, at the request of an employer.
063	Nelson	Responds that the Reauthorization, Reorganization, and Reform Immigration Act of 1996 has indicated that such a practice would not be allowed. Explains that workers wishing participate in the H-2A program must be able to document that they have been in Mexico for the previous 12 months. Indicates that the Mexican government would confirm proof of residency. Mentions that the Mexican government is interested in the H-2A program.
088	Sen. Wilde	Asserts that the Mexican government should support the guest worker program, as a great deal of money is sent back to Mexico by guest workers.
096	Sen. Wilde	MOTION: Moves to ADOPT SB 1267-3 amendments dated 5/19/99.
	Chair George	Hearing no objection, declares the motion CARRIED.

100	Sen. Wilde	MOTION: Moves SB 1267 to the floor with a DO PASS AS AMENDED recommendation.
101	Sen. Corcoran	Suggests that the bill is "racist."
102	Sen. Shannon	Takes exception to Sen. Corcoran's statement.
105		VOTE: 5-1-1 AYE: 5 - Ferrioli, Fisher, Shannon, Wilde, George NAY: 1 - Corcoran EXCUSED: 1 - Dukes
	Chair George	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
114	Chair George	Closes the work session on SB 1267 and adjourns the meeting at 6:05 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brad Harper,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3295, testimony, Bernie Lerch, 1 p.

B ñ HB 3295, map, Bernie Lerch, 6 pp.

C ñ HB 3295, testimony, Ivan Wells, 2 pp.

D ñ HB 3295, catalog, Ivan Wells, 26 pp.

E ñ HB 3295, testimony, Jesse Lyon, 2 pp.

F ñ SJR 38, -2 amendments, Sen. Susan Castillo, 2 pp.

G ñ SJR 38, -3 amendments, John McCulley, 2 pp.

H ñ HB 2119, -A6 amendments, staff, 1 p.

I ñ SB 1267, -3 amendments, John McCulley, 3 pp.

J ñ SB 1267, informational materials, Thom Nelson, 23 pp.