

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 22, 1997 Hearing Room D

08:30 AM Tapes 68 - 69

MEMBERS PRESENT:

Rep. Charles Starr, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Dennis Luke

Rep. Ken Messerle

Rep. Kurt Schrader

Rep. Judith Uherbelau

Rep. Larry Wells

MEMBER EXCUSED:

STAFF PRESENT:

Judith Gruber, Administrator

Linda Kowal, Administrative Support

MEASURE/ISSUES HEARD:

SB 110 Public Hearing

SB 561 Public Hearing and Work Session

SB 812 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 #67 not used.		
TAPE 68, A		
005	Chair Starr	Calls the meeting to order at 8:31 am and opens the public hearing on SB 110.

<u>SB 110</u> <u>PUBLIC</u> <u>HEARING</u>		
013	Fred Robinson	(EXHIBIT A) Assistant State Forester, Oregon Department of Forestry.
019	Rick Gibson	Fire Prevention Director, Oregon Department of Forestry.
022	Robinson	Refers to page 1 and 2 of Exhibit A and outlines the four legislative proposals from the Oregon Department of Forestry. Talks about how these proposals came about.
063	Robinson	Refers to the middle of page 1 of Exhibit A and states that 46 sections should be corrected to 55 sections. Goes through the five changes outlined.
081	Gibson	States there are two new requirements in the bill. First, section 36 of the bill relating to the National Guard. Second, sections 44 and 45 relating to Guides and Outfitters.
129	Rep. Luke	Refers to page 22 section 47 and asks if this means they can designate any area in the state.
132	Gibson	Refers to page 7 section 12. States they want to put section 2 into separate statutes.
149	Rep. Luke	Comments that this section has no referral to state forest land.
150	Gibson	Affirmative. It regulates burning on any forest land.
152	Rep. Luke	States that's not what it says.
154	Gibson	Responds that long standing administrative rule talks about burning on forest land.
155	Rep. Luke	Comments that ORS's have greater authority than administrative rule.
162	Gibson	States that they have a smoke management plan with DEQ.
170	Rep. Uherbelau	Asks how long current law has been in existence.
173	Gibson	Responds 20 years.
178	Robinson	Comments that it follows the Federal Clean Air Act, so he guesses the early 70's time frame.
180	Rep. Uherbelau	Confirms that under statute there's a smoke management plan between the State Forester and DEQ.
182	Gibson	Affirmative.
190	Robinson	Continues with testimony on how they went through the whole chapter and made corrections, deleted outdated material, aimed for consistency, and touched on minor policy points.
214	Rep. Luke	Reads from page 7, subsection 3 of section 12 and asks why working in cooperation with the landowners was deleted and never put back in.
210		States the language is in line 27 on page 22.

	Rep. Uherbelau	
226	Rep. Schrader	Refers to SB 360 and comments there is a need to address the liability issues so the taxpayers aren't paying for the costs.
250	Robinson	Responds they chose a fire prevention requirement primarily for existing homes. Most counties in the key areas address this through zoning, siting, and building permit processes. SB 360 sets up system that divides the areas by classification.
275	Rep. Schrader	States there is very little information about what you can and cannot do regarding the options available for managing this.
291	Rep. Luke	Comments that people in rural fire protection districts are paying an additional fee for fire protection. States you do the best you can with the measures that are already on the books.
318	Rep. Schrader	States he has no problem with people who build there as long as they bear the full cost of fire protection.
330	Robinson	States that the county building permits and associated requirements are fire safety measures for the construction and layout of the subdivisions. These costs are passed on to the home buyer. In most cases, they are in a rural or forest protection district and pay for the protection they get.
351	Gibson	States that SB 360 points out that after the classification process the Department of Forestry sets the standards expected to be met.
356	Rep. Luke	Asks how much they cover in eastern Oregon.
359	Robinson	Answers they protect about 15 million acres and roughly 1/2 are eastern Oregon.
361	Rep. Luke	Asks how much is forest and how much is range.
366	Robinson	Answers, by definition if they protect it, it's forest land. Adds that there are types 1, 2 and 3 and type 3 looks a lot like grazing land.
374	Rep. Uherbelau	Asks if someone negligently starts a fire, is the department able to charge them for it.
376	Robinson	Affirmative.
391	Judith Gruber	Policy Analyst. Points out to the committee that ORS 477.370, ORS 477.375, and ORS 477.530 are the repealed sections of this bill.
398	Mike Miller	Associated Oregon Loggers. States that SB 110 deals with a number of activities associated with logging operations. States their support. Refers to page 23 line 44 and comments that he believes there is an error where it has 477.552 to 477.462 should be 477.562.
TAPE 69, A		
016	Rep. Uherbelau	Confirms with staff that the copies of the highlighted ORS's are the ones being repealed.
018	Gruber	Affirmative.
017		Ask why eliminate these.

		to the national group and the other half is allowed to be used in Oregon. However, there are dollars being sent to the national group who are producing programs that cannot be used in the state of Oregon. (Passes around an educational kit from the National Live Stock and Meat Board, Chicago IL as an example).
197	Rod Dowse	Executive Vice President, Membership & Administration, Oregon Cattlemen's Association. States the purpose of the amendments is to allow Oregon the same latitude and flexibility as the national level.
222	Dowse	Refers to "check-off" bullets on page 2 of written testimony. These amendments have been discussed and requested by cattle producers at meetings statewide.
239	Rep. Uherbelau	Comments that the language of the present bill seems broad enough for what they want to do, asks who told them it was narrow.
243	Dowse	Answers it was the Assistant Attorney General who works with the OBC.
250	Rep. Luke	Asks when is the \$1 collected.
251	Dowse	Answers every time the animal changes hands. Responds legally in a private sale you pay that "check-off" which is collected through the brand department because it's a legal requirement that the animal be brand inspected.
264	Rep. Luke	Asks if he buys a calf from another farmer, raises it until it attains market weight then takes it to the sale, has the \$1 been paid twice?
270	Dowse	Responds by law you pay \$1 every time it changes hands.
275	Rep. Luke	Inquires if very few are paid at the first transaction
290	Dowse	Responds it may not happen every time, but technically, you are supposed to pay every time it changes hands.
294	Rep. Messerle	States there are time requirements and it is the sellers responsibility to pay the brand. Asks does the Attorney General's opinion affect other commodity groups also?
306	McCulley	Responds that the 29 commodity commissions in the state operate under different requirements. Comments that the Attorney General's opinion probably doesn't apply any further than to the beef council.
316	Rep. Messerle	Clarifies for the record that there are no taxpayer funds going into these programs, it's entirely from within the industry.
320	McCulley	Affirmative.
318	Don Moisan	Legislative Chairman of the Oregon Dairy Farmers Association Member of the OBC. Offers background and support by the dairy industry.
354	Moisan	States the OBC budget is relatively small and they have to rely on the national programs. Therefore, if the materials are beneficial

		<p>and available, Oregon should be able to use them. States some of their concerns are:</p> <ul style="list-style-type: none"> * they would like to see these programs benefit the whole industry not just segments * not a mandate for the OBC * clarification of the law by mirroring national law
377	Rep. Wells	Asks if there has been some controversy regarding the "check-off" and promotions.
380	Moison	Answers that the national program does surveys that indicate the percentage of producers that would like to see the programs continued. After a low price cycle and discontent, they are seeing stability and support numbers climbing. Comments he became aware that the national programs consider the entire \$1 collected to be theirs. They require the OBC to monitor all their activities and test it with national law.
418	Rep. Uherbelau	Comments that the numbers are stabilizing and climbing and asks if the price of beef went up.
419	Moisan	Affirmative.
420	Chair Starr	Closes public hearing on SB 561 and opens work session on SB 561.
<u>TAPE 68, B</u>		
<u>SB 561 WORK SESSION</u>		
013	Rep. Luke	MOTION: Moves SB 561 to the floor with a DO PASS recommendation.
015		<p>VOTE: 7-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p>
	Chair Starr	<p>The motion CARRIES.</p> <p>REP. MESSERLE will lead discussion on the floor.</p>
020	Chair Starr	Closes work session on SB 561 and opens public hearing on SB 812.
<u>SB 812 PUBLIC HEARING</u>		
027	Ann Olsson	Oregon Emu Association. States they would like to have ratites, (flightless birds and without a keel bone) regulated under the ODA

		so the people in this industry are aware of sanitary controls. They would like to be under statute, not administrative rule.
049	Rep. Uherbelau	Asks about the benefits of doing this.
054	Olsson	Responds that technically the ODA can remove her herd if necessary due to illness. This is for the benefit of others who do not understand that this is a livestock industry in Oregon.
061	Rep. Uherbelau	Asks who the other entities are.
063	Olsson	Answers the Oregon Department of Fish & Wildlife.
067	Rep. Thompson	Asks how fast this industry is growing.
067	Olsson	Responds that it has stabilized and is not growing. Most efforts are going into marketing rather than breeding and expanding.
073	Rep. Luke	Asks how this would affect land use rules.
076	Phil Ward	Oregon Department of Agriculture. The intent of this industry is to clearly be identified as an agricultural pursuit and subject to the privileges such as legitimate land use in a farm zone.
099	Rep. Luke	Asks if because they're higher value and you can get to the \$80,000 requirement quicker, is there an opportunity to get a building permit on farm ground that you couldn't with standard farming practices?
116	Ward	Responds, this bill amends ORS 596.020 which are livestock disease laws. States he's not sure it would grant the land use implication.
119	Rep. Luke	States this is an agricultural pursuit.
120	Ward	Affirmative. The precedent is in statute that it is an agricultural pursuit. If \$80,000 of gross income could be generated on a parcel raising Emu's, the argument to allow a dwelling would be there.
127	Rep. Luke	By granting the agricultural pursuit statute, what does this do with regard to dog chasing?
131	Olsson	Answers that there are nine separate definitions of livestock and they all relate to specific activities. States this is not the dog livestock statute.
135	Rep. Luke	Asks if a dog can chase an Emu.
139	Olsson	Responds they are covered in that statute.
140	Rep. Uherbelau	States this statute only relates to disease control and does not automatically jump into land use. Asks if the Emu pursuit is expressed differently in other states.
151	Olsson	Responds it depends on the laws that govern that state. WA classifies them as poultry, OR classifies them as livestock and according to Washington DC they are neither. In the end, they will have their own category as ratite.
163	Ward	

		States for clarification, the industry of Emu in Oregon is not as an exotic animal for recreational use or as a pet. This is to generate a true agricultural pursuit utilizing the animal for food and fiber purposes.
170	Rep. Messerle	Refers back to the land use and \$80,000 figure. Comments there are ways around the \$80,000. The Emu industry in his district is intense.
187	Chair Starr	Closes the public hearing and opens a work session on SB 812.
<u>SB 812 WORK SESSION</u>		
188	Rep. Schrader	MOTION: Moves SB 812 to the floor with a DO PASS recommendation.
191		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Starr	The motion CARRIES. REP. SCHRADER will lead discussion on the floor.
198	Chair Starr	Closes work session on SB 812 and adjourns meeting at 9:40 am.
(EXHIBIT E) Submitted by fax on April 24, 1997		

Submitted By, Reviewed By,

Linda M. Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 110, legislative proposals, Fred Robinson, 2 pp.

B - SB 110, written testimony, Fred Robinson & Rick Gibson 3 pp.

C - SB 110, ORS reference, staff, 2 pp.

D - SB 561, written testimony, Rod Dowse, 2 pp.

E - SB 110, written testimony, Don Hinton, 1 p.