

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 29, 1997 Hearing Room D

08:30 AM Tapes 72 - 73

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:

HB 3352 Work Session

HB 3716 Work Session

HB 3177 Public Hearing

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 72, A		
013	Chair Starr	Calls meeting to order at 8:31 am and opens a work session on HB 3352.

<u>HB 3352</u>		
<u>WORK</u>		
<u>SESSION</u>		
014	Judith Gruber	Policy Analyst. Gives an overview on the purpose of the bill, refers to (EXHIBIT A) and explains the changes the -1 amendments make.
026	Rep. Wells	Comments that the visually-impaired person doesn't need a tag. Asks is this what lines 13 and 14 eliminate.
042	Lindsey Ball	Captain of the Fish and Wildlife Division, Oregon State Police. States the person accompanying a visually-impaired hunter needs to have a hunting license. If they wish to hunt for the species in season they need their own personal tag.
047	Chair Starr	Clarifies that the question was whether the visually-impaired person is required to have a tag.
049	Ball	Responds yes.
053	Rep. Messerle	Points out that line 17 states these requirements.
058	Gruber	Clarifies that section 1 applies to the person assisting the visually-impaired hunter. The language in lines 17 - 19 state the compliance requirements of the visually-impaired hunter.
066	Rep. Thompson	MOTION: Moves to ADOPT HB 3352-1 amendments dated 04/24/97.
	Chair Starr	Hearing no objection, declares the motion CARRIED.
070	Rep. Schrader	Comments that he is not comfortable with the concept of this bill.
083	Rep. Thompson	MOTION: Moves HB 3352 to the floor with a DO PASS AS AMENDED recommendation.
085	Rep. Uherbelau	States this bill closely follows other disability bills in regard to fees for hunting and fishing. States her understanding was that a committee was to address all of these issues. Asks why is this the only issue being addressed.
093	Gruber	Responds that the work group did meet and the department proposed these amendments. Darrell Beers called and stated his agreement with the amendments. The free license was omitted.
091	Rep. Uherbelau	Clarifies there are no changes being made in the license fee for the disabled.
101	Chair Starr	Affirmative.
107	Rep. Uherbelau	Comments there was more than one issue being addressed and this bill addresses only one portion of the disabled community.
109	Rep. Messerle	Clarifies there is no special fee.
113	Rep. Thompson	Comments that other disabilities would qualify a person to hunt without assistance.

127	Rep. Uherbelau	Clarifies that she not saying they are singled out. States there are other issues such as restricted income. States the issues were not addressed as a whole.
140	Chair Starr	States this bill only addresses the visually impaired.
146	Roy Elicker	Oregon Department of Fish and Wildlife. States his understanding with regard to the other issues was a problem with the relating to clause, therefore this is all that could be addressed.
159	Rep. Uherbelau	Comments that other bills had a proper relating to clause. It was her understanding that they would all be addressed and brought back through one or two bills. Asks if this idea has been dropped.
163	Elicker	States as he understands, this was the only bill the work group agreed to come forward on. Offers to find out more information.
166	Rep. Uherbelau	Asks that this be followed through.
		<p>VOTE: 5-1</p> <p>AYE: 5 - Thompson, Messerle, Wells, Uherbelau, Starr</p> <p>NAY: 1 - Schrader</p> <p>EXCUSED: 1 - Luke</p>
	Chair Starr	<p>The motion CARRIES.</p> <p>REP. COURTNEY will lead discussion on the floor.</p>
183	Chair Starr	States that the Chair will carry if Rep. Courtney does not. Closes the work session on HB 3352 and opens the work session on HB 3716.
<u>HB 3716</u> <u>WORK</u> <u>SESSION</u>		
180	Gruber	Gives an overview of HB 3716 and states there are no fiscal or revenue impacts.
202	Chair Starr	Clarifies there are no amendments.
201	Rep. Thompson	MOTION: Moves HB 3716 to the floor with a DO PASS recommendation.
		<p>VOTE: 5-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 2 - Schrader, Uherbelau</p>
	Chair Starr	<p>The motion CARRIES.</p> <p>REP. JOSI will lead discussion on the floor.</p>

220	Chair Starr	Closes the work session on HB 3716 and opens the public hearing on HB 3177.
<u>HB 3177</u> <u>PUBLIC</u> <u>HEARING</u>		
227	Mike Dewey	Oregon Wheat Growers League. Outlines key points in the proposed amendments. * increases the bonding capacity * Section 3 of the bill, line 26 regarding annual inspections
291	Dewey	Refers to the original bill, section 3. States they deleted the language originally asked for.
306	Rep. Messerle	Asks has this been added back in.
309	Dewey	Responds the statute stays the same.
314	Rep. Uherbelau	Refers to the hand engrossed version. (EXHIBIT B) Comments that the original language in section 3 has been deleted but the new language for section 3 does not address this issue.
329	Dewey	States they had asked for ORS 586.230 to read "shall." With the amendments, the statute stays the same.
335	Rep. Uherbelau	Clarifies that ORS 586.230 will remain as it is now.
343	Dewey	Affirmative.
350	Dewey	Refers to the hand engrossed bill and comments, this will provide for an increase in the bonds and how they're rated.
360	Dewey	Refers to page 2, line 21 regarding the transfer of grain without consent.
386	Dewey	Refers to page 2a of the hand engrossed bill regarding assets of at least \$50,000.
400	Rep. Luke	Refers to page 1, section 3, line 17 of the amendments regarding the licensing of public warehouses. Asks what happens to the bond if the license is not renewed and there is grain stored there.
412	Bob Hawkes	Administrator of the Commodity Inspection Division, Oregon Department of Agriculture. Answers, the bond remains in effect for three years.
TAPE 73, A		
006	Rep. Luke	Clarifies that the bond is in effect for three years.
007	Dewey	Affirmative. It is beyond the licensing period.
011	Rep. Luke	Asks if there are any restrictions on a person who is holding grain but has not renewed their license.
012	Dewey	

		Responds they would remove the sign that says they're licensed. States they can store grain as long as there is a signed agreement with the growers.
019	Rep. Luke	Asks even without a license.
020	Dewey	Affirmative.
021	Rep. Luke	Asks why is the license needed.
022	Dewey	Responds that word would get out that the facility is unlicensed.
029	Larry Price	Oregon Wheat Growers League. This would allow the department to close down a warehouse that was totally defunct.
045	Price	Answers that according to law the grain should be there; if not, the grower could ask for the bond.
058	Dewey	The last part of the amendments refers to penalties.
066	Rep. Wells	Asks what is 586.250
072	Hawks	Answers that this deals with improper acts by officers or employees.
075	Rep. Wells	Comments that it talks about the department, asks if this is the Department of Agriculture.
080	Hawks	Affirmative.
082	Dewey	Closes testimony by stating these are minimal changes and that they would like to come back in two years.
095	Rep. Messerle	Refers to the power to inspect and asks what the expense would be.
101	Hawks	Responds that prior to 1993 there was an inspection program. At that time the program costs were about \$60,000 per year. In the 1993 budgeting session they lost this position and the agreement they had with the federal government. Since then they have responded only to complaints.
113	Rep. Messerle	Asks if he has an idea about how often an inspection would be needed.
114	Hawks	Responds they currently respond to complaints and maintain the licensing and bonding. States \$10,000 a year would probably cover this.
123	Dewey	Comments the statute will not change, this is not a requirement to inspect.
126	Rep. Schrader	Clarifies the amendments still give the department the authority to inspect.
126	Dewey	Affirmative.
137	Jonathan Schlueter	Executive Vice President, Pacific Northwest Grain and Feed Association. (EXHIBIT C) Refers to his written testimony.
151	Sam Henzel	(EXHIBIT D) States he is opposed to any changes in this bill regarding the inspection of warehouses. States the law already requires that warehouses be inspected. Secondly, the grower has free will as to where they want to store grain. The grower should

		have the expertise and ability to analyze the financial position of the people they are dealing with. Comments that he thinks the program is too expensive for the few people who are benefited by it.
209	Rep. Wells	Referring to the increased costs of the bond amount. Ask if this is what he is referring to.
205	Henzel	Talks about the person across from him who is not a member of any organization, has no license, and has agreements with growers. States his only alternative to be competitive is to become non-licensed.
225	Rep. Luke	Comments that there is nothing that requires licensing. Asks why the license.
247	Schlueter	Responds this is where the departure is. Essentially there's "no cop on the beat."
260	Schlueter	States, in their view, it's a mistake to put assurance in the bonding, to believe that increasing the bonding or penalty will eliminate these problems if and when they occur. Offers the comparison that in Idaho it is a felony to violate warehouse law, punishable by 10 years in jail. HB 3177 proposes a fine of no less than \$1,000 and no more than \$3,000.
309	Rep. Wells	Reads from the statute regarding licenses.
317	Schlueter	Responds that this statute only involves 25 companies across Oregon. It involves only 21 percent of the wheat produced here and 45 percent of the barley volumes produced here. These are small companies in remote areas of the state. The larger companies tend to be federally licensed because they operate across state lines.
332	Rep. Uherbelau	Asks if the neighbor earlier referred to is federally licensed.
337	Henzel	Negative, he's not licensed at all.
338	Rep. Uherbelau	Asks is this outside the law.
339	Henzel	Responds that the law does not require a license. States the bottom line is that most growers rely on the credibility of the people they do business with.
360	Rep. Uherbelau	States that she agrees with Rep. Wells that the law says anyone operating a public warehouse has to be licensed.
365	Rep. Luke	Clarifies that if they're not licensed, there has to be cooperative agreements with the growers.
369	Schlueter	Adds to this clarification, that at this point, it is not a public warehouse.
378	Rep. Luke	Asks if the grain in the grain elevator is the property of the producers of the grain.
381	Schlueter	Responds that depends on the contractual agreements.
396	Dewey	States this legislation is for public warehouses. Relating to the bond, the Department of Agriculture has said the bond will be paid off,

		they have possession of the bond. Regarding surety, the minimum and maximum have changed and this is protection for the grower.
443	Rep. Uherbelau	Comments that there must be some benefit to being a public warehouse and being licensed.
TAPE 72, B		
020	Dewey	Responds it is a protection for the grower. If this bill passes, the warehouse will have to have net assets of at least \$50,000. There may be inspections and there is the bond.
024	Chair Starr	States there is an early session today, therefore this bill will come back before the committee at a future date.
030	Chair Starr	Closes the public hearing on HB 3177.
031	Rep. Thompson	MOTION: Moves to SUSPEND the rules to allow Rep. Uherbelau and Rep. Schrader to vote AYE on HB 3716."
	Chair Starr	Hearing no objection, declares the motion CARRIED.
040	Chair Starr	Adjourns meeting at 9:25 and states the bills will be carried over.

Submitted By, Reviewed By,

Linda Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3352, hand engrossed with the -1 amendments, staff, 3 pp.

B - HB 3177, hand engrossed with the -1 amendments, staff, 7 pp.

C - HB 3177, written testimony, Jonathan Schlueter, 5 pp.

D - HB 3177, written testimony, Sam Henzel, 2 pp.