

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 13, 1997 Hearing Room D

08:00 AM Tapes 80 - 81

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 2498 Work Session

HB 3725 Public Hearing and Work Session

SB 108 Public Hearing and Work Session

SB 809 Public Hearing and Work Session

SB 403 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 80, A		

	Chair Starr	Calls the meeting to order at 8:07 am and opens the work session on HB 2498.
<u>HB 2498</u> <u>WORK</u> <u>SESSION</u>		
020	Judith Gruber	Policy Analyst. Refers to (EXHIBIT A) and states the -3 amendments were agreed upon by the grocers and fryer commission. Refers to the deletions on page 1, line 8; page 2, line 15; and the proposed language on page 2a, line 7.
031	Rep. Uherbelau	States this bill appears to be a consumer bill. Asks why the grocery stores were against the frozen/fresh issue.
048	Steve McCoid	Oregon Grocery Industry Association. Responds the stance of the members he's met with is that this is a federal issue, federal law, and therefore redundant.
056	Rep. Uherbelau	Responds that's not the testimony they have. Asks Bieberle to expand on this.
055	Gerald Bieberle	Oregon Fryer Commission. Responds they're concerned about those people who cheat. States they are willing to let federal law take effect in December, then if they discover any major cheating they'll be back to seek remedy.
071	Rep. Uherbelau	Refers to the identification of Oregon-Grown.
088	McCoid	States that Legislative Counsel drafted the amendment differently than the language they agreed on. Refers to page 2a of Exhibit A, and suggests it reads "conspicuously" identified.
092	McCoid	Comments the language that was agreed upon was <u>fryer, fryer parts that are exposed or offered for sale</u> . LC drafted, <u>sold, exposed, displayed or offered for sale</u> .
098	Rep. Uherbelau	States she would like add "conspicuously" as a conceptual amendment.
111	Rep. Schrader	MOTION: Moves to ADOPT HB 2498-3 amendments dated 05/12/97 and that the measure be FURTHER AMENDED on page 2, line 9, by inserting "conspicuously" after "be".
	Chair Star	Hearing no objection, declares the motion CARRIED.
116	Rep. Schrader	MOTION: Moves HB 2498 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Thompson
	Chair Starr	The motion CARRIES. REP. STARR will lead discussion on the floor.

130	Chair Starr	Closes the work session on HB 2498 and opens the public hearing on HB 3725.
<u>HB 3725</u> <u>PUBLIC</u> <u>HEARING</u>		
141	Kristina McNitt	Oregon Farm Bureau Federation. (EXHIBIT B)
159	Mike McKoen	President, Klamath Basin Shippers Association. States the Oregon Fresh Market Potato Producers are asking for the removal of a law that hasn't been used in 50 years. Talks about how this bill will allow them to work with Market Order #947.
192	Rep. Uherbelau	Asks about the additional language regarding Grade #2 or better.
198	McNitt	States that language was requested by the Farm Bureau. She doesn't know why Legislative Counsel did not include it in the printed bill.
203	Rep. Uherbelau	States this seems reasonable but she would like to hear from the Department of Agriculture (ODA).
210	Loran Youngs	Assistant Director, ODA. States the department has no objection to this bill. They would prefer to administer a voluntary program rather than a mandatory program.
218	Rep. Schrader	Clarifies that current certification of potatoes accepted in the industry will not be affected.
220	Youngs	Responds certification is performed by Oregon State University.
222	Rep. Messerle	Asks if there is a cost savings.
225	Youngs	Answers that currently inspections are done in cooperative agreement with USDA, under the federal marketing order. As long as this is in place, there shouldn't be any impact on the department.
234	Rep. Messerle	Clarifies that it's a service fee and no revenue is provided from the federal government for this program.
235	Youngs	Affirmative, it is 100 percent paid for by the industry.
237	Rep. Messerle	Refers to the Grade #2 or better coming in from out-of-state. Asks if this impacts feed lots.
244	McKoen	Responds it would be covered by a process permit which allows potatoes to go into feed lots.
248	Rep. Messerle	Clarifies that product from out-of-state can come into the state and be used for feed lots.
251	McKoen	Affirmative, if they qualify under a process permit. Adds they have signatures in support. (EXHIBIT C)
264	Chair Starr	Closes the public hearing and opens a work session on HB 3725.

<u>HB 3725</u>		
<u>WORK</u>		
<u>SESSION</u>		
266	Rep. Uherbelau	MOTION: Moves to ADOPT the amendments offered by the Oregon Farm Bureau to HB 3725 and to FURTHER AMEND on page 2, line 29, by adding "All potatoes shipped from other states into Oregon must bear a US Grade #2 or better, or be covered by a processing permit."
	Chair Starr	Hearing no objection, declares the motion CARRIED.
294	Rep. Uherbelau	MOTION: Moves HB 3725 to the floor with a DO PASS AS AMENDED recommendation.
299		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Wells
	Chair Starr	The motion CARRIES. REP. LUKE will lead discussion on the floor.
311	Rep. Luke	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. THOMPSON to BE RECORDED as voting AYE on HB 2498.
	Chair Starr	Hearing no objection, declares the motion CARRIED.
322	Chair Starr	Closes the work session on HB 3725 and opens the public hearing on SB 108.
<u>SB 108</u>		
<u>PUBLIC</u>		
<u>HEARING</u>		
340	Charlie Stone	Forest Practices Director, Oregon Department of Forestry. (EXHIBIT D) States the purpose of the bill and outlines the liability immunities.
370	Rep. Messerle	Asks why non-government programs aren't included.
377	Stone	Responds that he believes this refers to volunteer programs that are designed and in cooperation with ODF&W in addition to projects that are funded under the Governor's Watershed Enhancement Board or are part of a Forest Practice.
388	Rep. Messerle	Asks is this only during the project's construction or does extend beyond that?
393	Stone	Responds this protects the landowner during construction of the project and from damages that result from the project.
402		Inquires whether riparian timber is included.

	Rep. Messerle	
407	Stone	Responds this bill does not specially address this but he believes that Forest Practice rules address this.
413	Rep. Messerle	Inquires whether this applies to agricultural land also.
419	Stone	Responds he'll need to check on this.
420	Mike Miller	Associated Oregon Loggers (EXHIBIT E) Paraphrases written testimony.
467	Rep. Messerle	Comments he is concerned about timber landowners who are not affiliated with a state or federal program. Asks are these individuals covered under this act?
TAPE 81, A		
028	Miller	Responds he assumes there could be some liabilities
035	Stone	States the intention is to cover those projects that are approved projects.
043	Rep. Uherbelau	Asks what are the limitations in Chapter 105?
048	Stone	States he believes they are death or serious injury and negligence. The immunity is not intended for gross negligence and willful or intentional conduct.
055	Rep. Uherbelau	Refers to lines 12 and 13 on the bill and states that this is consistent with his testimony.
062	Stone	Affirmative. Adds in reference to Rep. Messerle's earlier concern, although this specifically speaks to forest management he believes it covers all lands.
066	Chair Starr	Closes the public hearing and opens the work session on SB 108.
<u>SB 108 WORK SESSION</u>		
068	Rep. Luke	MOTION: Moves SB 108 to the floor with a DO PASS recommendation.
076		
	Chair Starr	Hearing no objection, declares the motion CARRIED. REP. MESSERLE will lead discussion on the floor.
082	Chair Starr	Closes the work session on SB 108 and opens the public hearing on SB 809.
<u>SB 809 PUBLIC HEARING</u>		
090	Rod Harder	Oregon Avian Alliance. Reads from written testimony. (EXHIBIT F)

119	Rep. Luke	Asks if the Oregon Department of Agriculture is okay with this.
121	Rep. Luke	Acknowledges a visual thumbs-up from the back of the room.
124	Rep. Thompson	Asks if the ratites did escape and establish in the forests, would they become a game animal.
128	Harder	Responds the ODF&W have discussed this and do not believe they can establish themselves in the wild therefore they have been excluded.
132	Rep. Uherbelau	States in his testimony he has both forms of birds as fighting birds. Asks is this true of ratites.
137	Harder	Clarifies they are flightless birds. Ratites are ostriches, Emu's, etc. and are flightless birds.
140	Chair Starr	Closes the public hearing and opens a work session on SB 809.
	Julie Atkinson	Oregon Avian Alliance. Summits written testimony. (EXHIBIT G)
<u>SB 809 WORK SESSION</u>		
143	Rep. Luke	MOTION: Moves SB 809 to the floor with a DO PASS recommendation.
146		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Messerle
	Chair Starr	The motion CARRIES . REP. SCHRADER will lead discussion on the floor.
156	Chair Starr	Closes the work session on SB 809 and opens a public hearing on SB 403.
<u>SB 403 PUBLIC HEARING</u>		
167	Rod Harder	Executive Director of Oregon Sportsman's Defense Fund. States this bill simply lowers the cougar tag fee from \$50 to \$10. States this was done in HB 3302, however, there was a problem with the starting date.
179	Rep. Uherbelau	Asks is the starting date delayed because it's part of a package being offered.
182	Harder	The delay was because of computer program problems and HB 3302 has the \$10 fee in it so it is consistent with SB 403.
186	Rep. Uherbelau	States for clarity of record, the only thing this bill does is reduce the cougar tag from \$50 to \$10.
189	Harder	

		States this bill is not meant to circumvent the will of the voters, it is meant to reduce the cougar tag from \$50 to \$10 to give ODF&W a better handle on management.
194	Roy Elicker	Oregon Department of Fish & Wildlife, state they support the bill. (EXHIBIT H)
196	Chair Starr	Closes the public hearing on SB 403 and opens the work session.
<u>SB 403 WORK SESSION</u>		
198	Rep. Wells	Clarifies that this is the original bill and does not have the open season clause.
206	Rep. Schrader	MOTION: Moves SB 403 to the floor with a DO PASS recommendation.
208	Rep. Thompson	Comments "I do have some negative input in here from people in my area that worry that this is a way to circumvent 18, I don't feel that's true. I'm also, I am concerned about that they do get on the record as being opposed to this bill even though I will vote for it."
216		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Starr	The motion CARRIES. REP. UHERBELAU will lead discussion on the floor.
239	Rep. Luke	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WELLS to BE RECORDED as voting AYE on SB 108.
	Chair Starr	Hearing no objection, declares the motion CARRIED.
246	Rep. Luke	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. MESSERLE to BE RECORDED as voting AYE on SB 809.
	Chair Starr	Hearing no objection, declares the motion CARRIED.
250	Rep. Luke	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WELLS to BE RECORDED as voting AYE on HB 3725.
	Chair Starr	Hearing no objection, declares the motion CARRIED.
258	Chair Starr	Adjourns meeting at 8:50 am.
(EXHIBIT I) Submitted by fax.		

Submitted By, Reviewed By,

Linda Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2498, hand engrossed including -3 amendments, staff, 5 pp.

B - HB 3725, written testimony, Kristina McNitt, 2 pp.

C - HB 3725, signatures, Mike McKoen, 16 pp.

D - SB 108, written testimony, Charlie Stone, 2 pp.

E - SB 108, written testimony, Mike Miller, 1 p.

F - SB 809, written testimony, Rod Harder, 3 pp.

G - SB 809, written testimony, Julie Atkinson, 1 p.

H - SB 403, statement, Roy Elicker, 2 pp.

I - SB 403, written testimony, Susan Delles, 1 p.