

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 13, 1997 Hearing Room D

08:30 AM Tapes 41 - 42

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:

HCR 7 Work Session

HB 2763 Public Hearing

HB 3055 Public Hearing

Introduction of Committee Bill

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 41, A		
006	Chair Starr	Opens meeting at 08:35 am and opens work session on HCR 7.

<u>HCR 7 WORK SESSION</u>		
007	Rep. Thompson	States that the work group concluded their work on HCR 7 with the -2 amendments. (EXHIBIT A)
026	Rep. Wells	Asks is there an answer to the issue of ballast water.
027	Rep. Thompson	Responds pumping the water out of the ship. This bill is encouraging a more modern pumping system.
040	Rep. Wells	MOTION: Moves to ADOPT HCR 7-2 amendments dated 03/06/97.
	Chair Starr	Hearing no objection, declares the motion CARRIED.
052	Rep. WELLS:	MOTION: Moves HCR 7 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Starr	The motion CARRIES. REP. THOMPSON will lead discussion on the floor.
066	Chair Starr	Closes work session on HCR 7 and opens public hearing on HB 3055.
<u>HB 3055 PUBLIC HEARING</u>		
076	Rep. Liz VanLeeuwen	District 37. Refers to the -1 amendments (EXHIBIT B) and states there are words that may need to be removed.
083	Dave Nelson	Executive Secretary of the Oregon Seed Council. Gives a background of the seed industry. States that Oregon produces about 56 percent of all cool season grass seed used world wide. The reason for this bill is to allow the Dean at Oregon State University (OSU) flexibility to contract with commercial analysts to test overflow samples.
122	Jay Burr	Oregon Seed Trade Association. States there have been seeds that were qualified for certification but due to the back load of work at OSU samples are going to commercial labs without being certified.
144	George Pugh	Grass Seed Farmer, Oregon Seed Council. The market situation has their operation working 24 hours a day, five to six days a week, cleaning the crop. States this bill will help farmers in remote areas to market their seed in a timely manner.
174	Rep. Uherbelau	Clarifies that OSU would still oversee the program.
180	Pugh	Affirmative.
185		

	Rep. Uherbelau	Asks for an explanation of why an emergency clause is needed.
187	Rep. VanLeeuwen	Responds that it needs to be available for harvest in July.
192	Rep. Schrader	Asks if all seed testing laboratories use the same methods.
194	Pugh	Affirmative. Most have been trained at OSU. The American Society of Seed Analysts have defined procedures to follow.
200	Rep. Wells	Refers to the field work and asks who would be doing it.
206	Pugh	Explains the two service elements in the certification process.
224	Rep. Wells	Asks if a seed grower has all the field work done then due to a back up at the lab the grower goes to a private lab then what does he have.
233	Rep. VanLeeuwen	Responds that the crop would probably sell for one or two cents less a pound. Describes the efficiency of the testing.
266	Rep. VanLeeuwen	Goes over the -1 amendments. States "submitted for certification" does not belong there.
288	Dr. Sheldon Ladd	Head of the Department of Crop and Soil Science at OSU and Director of Seed Programs. States that by seed law the Dean is ultimately responsible for seed certification and process. Support for having the option.
314	Bill Young	Barenbrug Seed Company, Tangent Oregon. Talks about the economic and regulatory changes over the last 20 years. Talks about testing delays and shipping schedules.
439	Rep. Wells	Asks why the lab at OSU hasn't expanded.
TAPE 42, A		
022	Young	States in his opinion, there isn't an abundance of professionals available to do the work due to the tedious nature of the job.
046	Rep. Uherbelau	Comments that perhaps a lack of funding from legislature contributes to the problem.
050	Rep. Wells	States this is a fee paid service.
056	Young	States the seed laboratory will still generate income.
067	Chair Starr	States this is a good bill.
072	Dan Hemshorn	Seed Research of Oregon, Corvallis. Develop and produce varieties with growers. States he is a member of the Oregon Seed Trade Association and a member of the Oregon Seed Council states for the record in favor of this bill.
084	Sharon Davidson	Owner of a private seed lab in Salem, registered seed technologist. States that Oregon currently has 12 registered seed technologists. Gives the necessary qualifications and requirements of the title.

100	Judith Gruber	Policy Analyst. Confirms her statement that there are 12 registered seed technologists in the state staffing the private labs. Asks how many private labs are there.
104	Davidson	Responds there are 8 private labs. States the registered seed technologists are in a supervisory capacity.
111	Chair Starr	Instructs that the bill be scheduled for a work session next week. Closes the public hearing on HB 3055 and opens public hearing on HB 2763.
<u>HB 2763 PUBLIC HEARING</u>		
130	Sue Hallett	Representing the Oregon Independent Miners. Summarizes the purpose of the bill and their concerns by referring to written testimony. (EXHIBIT C)
158	Rep. Luke	Clarifies that what the bill is asking is, if the waterway is declared navigable that they would still be able to mine.
162	Hallett	Responds if the state becomes the new landlord they are trying to grandfather the claims.
166	Rep. Luke	Asks will this allow new claims on new waterways that are declared navigable.
169	Hallett	Responds it only applies to existing claims.
171	Rep. Uherbelau	Refers to an opinion from the Attorney General in 1994 on this subject. (EXHIBIT D) Asks if they have talked to the Attorney General or Division of State Lands about the impact of this opinion on what they are trying to do.
179	Hallett	Responds they brought up the issue during the public navigability process but have not talked with the Attorney General.
187	Rep. Uherbelau	Converses with Hallett regarding the subject matter of the Attorney General's opinion letter.
200	Rep. Uherbelau	Refers to line 16 on the bill.
208	Hallett	Refers to line 20. States if an agreement cannot be reached, then there would be an appeal under ORS Chapter 183 and during the time the case was being considered, they would continue mining till resolved.
218	Rep. Schrader	Clarifies that in reference to section 3, they are already mining these areas and don't want to be shut down in the process.
225	Hallett	Affirmative
226	Paul Cleary	Director, Division of State Lands. (EXHIBIT E) Reads and summarizes from written testimony. States the navigability process is an 18 step process that takes about 18 to 24 months and allows five opportunities for public comment.
274	Rep. Luke	Asks Hallett to give an example.

278	Hallett	Responds she would need to know the name of the river. Generalizes that there are claims on BLM lands that could be subject under these circumstances.
291	Rep. Luke	States if this bill comes back he needs some examples that foresee trouble.
309	Rep. Schrader	Comments that a consultation with Cleary and the miners to discuss the possibilities may be a way to head off future concerns. Asks is there a date to clarify these are only grandfather claims. Refers to line 8 of the bill.
331	Hallett	States the bill could read "any valid existing claim at the time of the navigability determination."
334	Rep. Wells	Asks what type of streams are being referred to.
344	Hallett	Responds that the majority are US Forest Service or BLM lands.
348	Rep. Wells	Asks have any streams been declared navigable that are bounded by public land.
361	Cleary	Comments the law that provides for mining claims is the 1872 Hard Rock Mining law which applies only on public lands.
380	Rep. Wells	Referring to declaring navigability status on waterways that run through public lands, what is meant by court suits.
TAPE 41, B		
003	Cleary	The federal government does not recognize the states assertion until it has been affirmed in a federal court.
009	Rep. Uherbelau	Refers to public policy Chapter 390 that placer mining is restricted. Would like to know the reason for the restrictions.
024	Cleary	Responds that Chapter 390 applies to scenic waterways.
030	Hallett	Relays that Tom Barrows from the Northwest Mining Association is favor of this bill.
040	Chair Starr	Responds that he has a note from Mr. Barrow indicating that. Closes hearing on HB 2763, opens work session for introduction of committee bill.
<u>LC 4253</u> <u>INTRODUCE</u> <u>COMMITTEE</u> <u>BILL</u>		
045	Rep. Luke	Asks can a committee do priority bills.
049	Chair Starr	Responds affirmative with the permission of the Speaker of House.
049	Judith Gruber	States there is in committee record a letter from the Speaker dated March 4th approving this measure as a committee bill.
052	Rep. Luke	

		States that he personally thinks this is a bad idea but as a courtesy to the Chair will vote for a draft.
064	Chair Starr	States his appreciation.
065	Rep. Luke	Points out there are several prison sitings where agriculture or livestock is part of the prison work.
070	Chair Starr	Responds that this bill is a criteria for making a judgment for exceptions.
072	Rep. Thompson	States there are several persons who are looking for an exception for one reason or another. Agrees with Rep. Luke that this would make it difficult for worksite situations.
082	Rep. Uherbelau	Comments that as a state we have adopted a policy about land use. This bill does term it as high value farmland and it is a bill that should be discussed.
093	Chair Starr	States "Chair did get involved in bringing this forward but only at the request of the Oregon Farm Bureau. They invited me to go with them to the Speaker to see if this bill could be brought forward." States he is a strong supporter of agriculture industry on prison farms.
112	Rep. Schrader	MOTION: Moves LC 4253 dated 03/12/97 BE INTRODUCED as a committee bill.
116	Rep. Luke	States as long as that motion includes no endorsement of the bill.
117	Chair Starr	States that is the way the committee has done it in the past.
	Chair Starr	Hearing no objection, declares the motion CARRIED. (LC 4253 is introduced as HB 3698)
119	Chair Starr	Adjourns meeting.

Submitted By, Reviewed By,

Linda M. Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HCR 7, hand engrossed bill including the -2 amendments, Rep. Thompson 5 pp.

B - HB 3055, proposed -1 amendments, Rep. VanLeeuwen, 1 p.

C - HB 2763, written testimony, Sue Hallett, 2 pp.

D - HB 2763, Opinion of Attorney General, staff, 7 pp.

E - HB 2763, written testimony, Paul Cleary, 2 pp.