

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 18, 1997 Hearing Room D

08:30 AM Tapes 43 - 44

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 2562 Public hearing

HB 3154 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 43, A		
008	Chair Starr	Opens meeting at 8:33 am and opens public hearing on HB 2562.
<u>HB 2562</u> <u>PUBLIC</u> <u>HEARING</u>		
014		District 42, Lane Country. Reads written testimony. (EXHIBIT A)

	Rep. Lee Beyer	
047	Rep. Luke	Refers to written testimony and the -1 amendments regarding the use of the vehicle on club property only.
054	Rep. Beyer	States the intent of the bill is to allow them to use a pump that already exists.
064	Rep. Luke	Comments that a person would technically be in violation if they left the golf course with their cart.
70	Rep. Uherbelau	Responding to Rep. Luke's comment, clarifies this refers to going from course to course, not on the road.
074	Rep. Luke	Affirmative, however, in some cases people drive on the road to get to their home on the golf course.
081	Rep. Messerle	Asks will there be a charge for the fuel or will it be part of their course user fee.
084	Gary Buell	President of the Springfield Country Club. Affirmative, there would be a charge for the fuel. States this is safety issue and describes some of the dangers.
094	Rep. Schrader	Asks where the fire marshal stands on this.
102	Rep. Wells	Asks do the majority of the carts stay at the course.
103	Buell	Affirmative.
111	Rep. Luke	Refers to line 9 of the -1 amendments.
118	Buell	Agrees, states that technically it is a violation to drive on the private roads.
124	Rep. Messerle	Suggests using "non-licensed."
136	Carol Washburn	Compliance Service Manger with the State Fire Marshal's office. Reads from written testimony. (EXHIBIT B)
203	Rep. Luke	Asks whether the gasoline tank on the property is licensed.
219	Washburn	States if an employee is pumping the tank it would be a retail station.
230	Washburn	Discussion with Rep. Luke regarding the approval of the installation of the tank.
235	Rep. Uherbelau	Refers to the -1 amendments regarding not meeting the requirements and inquires if this is the problem area.
242	Washburn	Affirmative.
245	Rep. Uherbelau	Asks would the fire marshal be more at ease if they were not excepted from the requirements.
247	Rep. Wells	Inquires where the -1 amendments came from. Clarifies that the application fee is \$250 and comments that it may burdensome to a small operation.
254	Washburn	

		States at Springfield there are 80 - 100 carts but this is not limited to Springfield. There are 144 private non-profit golf courses in OR, but unknown how many have tanks installed already.
270	Rep. Messerle	Asks about conditional use. Asks would this fuel pay highway tax.
280	Washburn	States it is not required by them.
282	Rep. Messerle	Comments on the members being charged individually per gallon versus part of a user fee.
289	Rep. Uherbelau	Clarifies that the \$250 fee is an annual fee.
291	Washburn	Affirmative. Currently the fee for non-retail fuel dispensing is \$250 plus \$5 a customer.
293	Rep. Uherbelau	Asks if they were excepted from the requirements, how would the fire marshal know how many customers were users.
300	Washburn	Responds that as the bill is proposed, the state fire marshal's office would have no authority to check on fire safety compliance or to audit customer records.
312	Rep. Beyer	States under existing law, the state fire marshal has given them the option to either be a full retail operation or meet the cardlock requirements. One of the requirements of ORS 480.355 is each customer has to use 2400 gallons of gasoline a year. States this cannot be met by a small club. The intent of the cardlock is to be made available only to businesses. The intent of the bill is not to mark up the fuel, just to make it available at their cost. This is more of a public safety concern.
354	Rep. Luke	Suggests being excepted from the retail law and go by gallons pumped into non-highway vehicles rather than self service.
374	Gary Buell	President, Springfield Country Club. Club owned carts are not the issue. This is about member owned carts.
387	Rep. Luke	Suggest that as a club they be excepted by selling less than some gallon figure into a non-highway vehicle.
398	Rep. Uherbelau	Refers to ORS 480.355 does not allow safety training requirements to be waived. Asks if there have been any discussions with the state fire marshal about that particular part of the section.
412	Buell	States his understanding is the state fire marshal does not want this activity at private clubs.
415	Paul McLaughlin	General Manager, Springfield Country Club. Refers to a letter from the state fire marshal dated January 25, 1995 stating they oppose any concept allowing self service gasoline at any private club.
426	Rep. Luke	States the idea to put the yearly cost of gasoline in the members dues and refund it to those who don't have their own cart.
TAPE 44, A		
030	Rep. Beyer	Restates that the main point is public safety.

042	Chair Starr	Instructs the parties to confer among themselves, talk with committee members and arrive at some solution. States he thinks it a good bill and raises the correct issue regarding safety.
057	Rep. Luke	Asks would Legislative Counsel drop a note to the committee on whether they would fall under regulations if they added a fee to their membership.
066	Chair Starr	States it may be a solution but members golf routines vary.
071	Rep. Messerle	States that although there is no intent of profit, there should be something to prevent the opportunity to charge above cost.
083	Rep. Uherbelau	Suggests they pursue the statute that allows the waiver of all but the safety regulations.
098	Rep. Luke	States to keep in mind what Rep. Messerle said. This could also be used by yacht clubs.
108	Buell	Refers to the letter of 1995 again.
118	Chair Starr	States he would like to work with Rep. Beyer and Legislative Counsel to zero in on the issue. Closes public hearing on HB 2562 and opens public hearing on HB 3154.
<u>HB 3154</u> <u>PUBLIC</u> <u>HEARING</u>		
128	Rep. Uherbelau	District 52 States she is co-sponsor of this bill with Rep. Harper because Green Springs Highway starts in Ashland and goes to Klamath Falls. With her is John Ward who brought the idea forth.
145	John Ward	Resident, Klamath Falls. Rancher, Ward's Herefords. (EXHIBIT C)
167	Ward	Refers to blue areas on the map page 3 of Exhibit C. Proposal shown in orange is highways 66 and 21.
221	Ward	Refers to the accident history on page 2 of Exhibit C.
255	Rep. Luke	Asks for clarification on how this area differs from open range. States his understanding is if you're in open range you fence your cattle out and if you're not in open range you fence the cattle in.
278	Phil Ward	Department of Agriculture. States that principal is essentially correct but the word they are referring to is "livestock districts." To close range in Oregon you must create a livestock district which must be composed of 2,000 acres. States a good portion of this road is in open range.
328	Rep. Wells	Asks for clarification of where the open range does not require fencing.
333	Ward	Responds that there are approximately 39 miles of road on open range.
355	Ward	States his thinking on this is to close the road not the range.
370	Rep. Wells	Asks are they building a fence or creating a liability issue.
374	Ward	Responds that Weyerhaeuser has withdrawn its lands from the exchange of use. This has closed 23 miles of formerly open range.

407	Rep. Uherbelau	Asks how does it work on the other five highways that are closed by the statute.
412	Ward	States he assumes the owners of the livestock have found ways to keep their animals off the road.
452	Rep. Luke	Refers to the bill line 6 regarding pasturing.
455	Ward	Responds that historically they may have been grazed on highway right-of-ways.
TAPE 43, B		
038	Rep. Luke	States he would like a letter from the Klamath and Jackson county commissioners that they don't have a problem with this.
041	Rep. Wells	Asks under current law along private property what are the statutes regarding livestock on highways.
050	Ward	States as far as he knows the state owns the highway.
060	Chair Starr	States this measure bears further testimony and will work with Ward and Rep. Uherbelau. Closes public hearing on HB 3154 and adjourns meeting.

Submitted By, Reviewed By,

Linda Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2562, written testimony and proposed -1 amendments, Rep. Lee Beyer, 3 pp.

B - HB 2562, written testimony, Carol Washburn, 2 pp

C - HB 3154, written testimony, John Ward, 3 pp.