

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 27, 1997 Hearing Room D

08:30 AM Tapes 50 - 51

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:

HR 3 Public Hearing and Work Session

HCR 25 Public Hearing

HCR 9 Work Session

HB 3252 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 50, A		
008	Chair Starr	

		<p>Calls meeting to order at 8:35 am. Announces that at the request of Rep. Lewis, HB 3166 will be heard at a later date. Opens the public hearing on HR 3.</p>
<u>HR 3 PUBLIC HEARING</u>		
023	LeRoy Kline	<p>Insect, Disease, Forest Health Unit Manager for Oregon Department of Forestry stationed in Salem. (EXHIBIT A) Refers to a report the Governor commissioned through Oregon State University (OSU). States it combines common sense management with a scientific basis.</p>
048	Rep. Mark Simmons	<p>District 58 and the requester of HR 3. States this bill is an attempt to address the forest health problems in eastern Oregon. A science team assembled by the Governor analyzed the condition of the forest and the recommendations they made were:</p> <ul style="list-style-type: none"> * restore the health of the forest, riparian systems, and watersheds. * provide wood to the local communities. * reduce the risks of catastrophic fire.
083	Rep. Uherbelau	<p>States line 22 refers to the report (EXHIBIT B) has less recommendations and more identification of concerns and issues. Refers to the Governor's proposal (EXHIBIT B) page 3, and comments that the 11 points are recommendations of what should be done. Asks which document is being referred to.</p>
101	Rep. Uherbelau	<p>States HR 3 is asking to implement the report which mainly just identifies issues but the proposed consensus approach actually gives steps to take.</p>
104	Rep. Simmons	<p>Responds that the eleven steps is where they're headed.</p>
107	Rep. Schrader	<p>Asks how does this plan correlate with the Oregon plan.</p>
111	Rep. Simmons	<p>Responds this is an uplands plan for eastern Oregon and doesn't relate to the Coho issue at all. The watershed management plan could be integrated.</p>
122	Rep. Schrader	<p>Clarifies that these plans have no conflicts.</p>
123	Rep. Simmons	<p>Answers no conflicts.</p>
125	Rep. Messerle	<p>Asks for a summary of fires and economic impact.</p>
130	Rep. Simmons	<p>States he could show the vast damage from fire in eastern Oregon. There is still potential for more damage. If everything that had</p>

		economic value was salvaged after these fires, it would be in the hundreds of millions of dollars.
157	Rep. Messerle	Asks what is the status of the processing facilities in eastern Oregon now.
166	Rep. Simmons	Responds the infrastructure is in place. The forest health problem is not new in eastern Oregon, insects and disease reach epidemic proportions there.
185	Peter Green	Forestry advisor to Governor Kitzhaber. (EXHIBIT C) Reads written testimony. Refers to pages 2-4 of Exhibit A. States that the 11 points are a combination of the science report and the values that are held by the Governor and the people who embrace this report.
246	Rep. Wells	Comments that he has been following numerous forest management issues. Asks who will ultimately make the decision to move ahead.
261	Green	Answers the Forest Service and the BLM.
284	Rep. Messerle	Asks is the funding available to move forward with this plan.
309	Green	<p>Responds they have identified three areas where the U.S. Congress may be helpful.</p> <p>* The President has created The Forest Ecosystem Restoration and Management Fund (FERM Fund) that presumably will provide up to \$100 million to be distributed among a number of states to help pay for efforts that do not pay for themselves.</p> <p>* Currently fire suppression dollars are allocated after the fire occurs. The pre-suppression dollars are not sufficient. Congress is discussing a way to allow some of the suppression dollars to go into the pre-suppression activities.</p> <p>* Change the way the Forest Service and BLM does business regarding timber sales.</p>
366	Chair Starr	States it is unclear at this point if the resolution needs amendments to address the 11 points Rep. Uherbelau pointed out.
375	Green	Responds the Governor's 11 points seem to have broad based support and the citizens panel has asked for some modifications to them.
391	Rep. Uherbelau	States the resolution uses the word "implement" the report.
406	Rep. Simmons	Comments that the 11 points are part of the report.
426	Chair Starr	States he personally thinks Rep. Simmons is probably correct.
TAPE 51, A		

016	Gil Riddell	Association of Oregon Counties (AOC). States the AOC strongly supports the report and the Governor's plan to implement it .
026	Chair Starr	Closes the public hearing on HR 3 and opens the work session HR 3.
<u>HR 3 WORK SESSION</u>		
027	Rep. Luke	Suggests that these changes could be done on the Senate side if the sponsors and the Governor wanted to.
031	Rep. Uherbelau	Suggest that if the authors of the report didn't mind, this could become part of the report rather than attached.
038	Rep. Simmons	States it would be appropriate to add and clarify this.
044	Chair Starr	Asks if he would be comfortable working with the Senate on this.
045	Rep. Simmons	Answers he would be comfortable here or in the Senate.
046	Rep. Luke	States this way it will keep it moving.
051	Rep. Luke:	MOTION: Moves HR 3 be sent to the floor with a BE ADOPTED recommendation.
	Chair Starr	Hearing no objection, declares the motion CARRIED. REP. SIMMONS will lead discussion on the floor.
062	Rep. Luke	Comments there are other ways this can be done and talks about a program in central Oregon where the National Guard ran a boot camp for non-adjudicated youth to clean up the streams and forests.
072	Chair Starr	Closes the work session on HR 3. Opens the public hearing on HCR 25.
<u>HCR 25 PUBLIC HEARING</u>		
081	Rep. Mark Simmons	District 58. States there are amendments that change the focus and speak to the entire federal, state, county partnership. (EXHIBIT D)
093	Gil Riddell	Association of Oregon Counties. Refers to Exhibit D. Reads the new language and discusses the dramatic drop in shared revenues in Oregon counties.
130	Riddell	Refers to the resolution to urge Congress to support the partnership by the three methods on page 2 of the hand engrossed version
153	Rep. Uherbelau	Asks whether this resolution includes the O & C lands.
150	Riddell	Answers they're not specifically mentioned.
164		

	Rep. Uherbelau	States her concern is from the language about revenues being dedicated to public schools and roads. Asks what receipts are they discussing.
170	Riddell	Responds this is why <u>federal</u> was deleted on line 6 and replaced with <u>national forest</u> .
175	Rep. Messerle	Comments, expand this to the whole state and not just eastern Oregon.
187	Rep. Simmons	States the payments to the counties have dropped significantly and it is being considered to no longer maintain non-essential routes. Comments perhaps it should be considered to a broader statewide look.
202	Rep. Schrader	Refers to Exhibit D, page 2, 1b. Asks what is the intent, is this in addition to 1c.
205	Riddell	Affirmative. Explains why.
225	Rep. Wells	Asks aren't there federal payments being made to reduce the impact from the reduction in timber cutting.
229	Riddell	Responds there is a spotted owl safety net that applies to the counties in the range of the spotted owl but there's no protection for eastern Oregon counties.
237	Rep. Wells	Adds that it's a 10 year program that reduces revenues 3 percent per year.
237	Rep. Simmons	Responds it is based on the average payment to counties between 1986 and 1990, then 85 percent the first year and declines to 58 percent over 10 years. The base stays the same but the divisor reduces 3 percent per year.
245	Rep. Wells	Clarifies that this program is not included in the resolution.
248	Rep. Simmons	Responds that this addresses areas that face critical needs and that may include areas in western Oregon. No attention has been given to eastern Oregon.
254	Rep. Simmons	Addresses the Chair and states "there is no safety net in eastern Oregon."
256	Rep. Uherbelau	Comments that "the safety net in western Oregon is slowly disappearing."
244	Chair Starr	Closes the public hearing on HCR 25 and states the amendments will be drafted and brought back.
276	Chair Starr	Opens the public hearing on HB 3252.
<u>HB 3252</u> <u>PUBLIC</u> <u>HEARING</u>		
296	Chair Starr	After some discussion with the committee, Chair closes the public hearing on HB 3252 at this time and opens the work session on HCR 9.

<u>HCR 9 WORK SESSION</u>		
300	Judith Gruber	Policy Analyst. Gives an overview of what was covered in Tuesday's hearing and refers to the -1 amendments.
336	Rep. Wells	MOTION: Moves to ADOPT HCR 9-1 amendments dated 03/11/97.
	Chair Starr	Hearing no objection, declares the motion CARRIED.
343	Rep. Wells	Comments that he still is not clear on the difference between volume control and area control.
357	Rep. Uherbelau	States that she is concerned that this is moving too fast.
373	Chair Starr	Asks the committee if they have had the opportunity to look at the materials relative to HCR 9.
374	Members	Answer not entirely.
377	Rep. Uherbelau	Comments it would be helpful to hear from State Forestry and discuss the pros and cons of this concept.
390	Chair Starr	States he feels this is a move in the right direction but sympathizes with the need expressed by the members for more information. Comments he will close the work session and reschedule it. Instructs the committee to carefully review the suggestions from Mr. Stout.
405	Rep. Thompson	Suggests having the federal forest people also.
369	Chair Starr	Closes the work session on HCR 9 and opens the public hearing on HB 3252.
<u>HB 3252 PUBLIC HEARING</u>		
427	Rep. Jeff Kruse	District 45. (EXHIBIT D) States the purpose of this bill is to address sediment control measures in project developments to prevent sediment runoff.
483	Rep. Luke	Reads line 7 of the bill and asks if a person who works for a county highway department sees an area and talks with his supervisor about how to fix it, does he have to be certified.
TAPE 50, B		
040	Rep. Kruse	Negative. This calls for a certification program to be established. It's asking the ODA to recognize people who are certified through legitimate means.
048	Rep. Luke	Refers to the -2 amendments, "any individual" compared to the original bill which says "any professional." States he would be more comfortable with professional.
058	Rep. Kruse	Responds they want the ODA to set the standards.
068	Rep. Luke	

		Comments that an individual may know what works but according to this, the county can't talk to him because he's not certified.
069	Rep. Kruse	Responds this is not intended to be restrictive. It is designed to bring expertise to the job.
075	Rep. Messerle	States there are professional degrees and associations. Comments that there is confusion as to where this is going. Concerned that there will be a cost to the ODA in the future.
097	Rep. Uherbelau	Asks if what they mean in section 1 of the amendments is that the ODA "has to have a program for recognizing already certified professionals."
103	Rep. Kruse	Affirmative.
105	Rep. Uherbelau	States she is confused where section 2 of the amendments says "It is recommended that any individual" and does not say "certified" individual. Asks does this mean any previously certified individual.
111	Rep. Kruse	Responds that this is the intent and perhaps the language needs to be fine tuned.
121	Rep. Wells	Asks if there is currently someone certifying these people.
125	Rep. Kruse	Answers the Soil Conservation Society of America does the certification.
132	Rep. Wells	Clarifies that there are currently individuals that are certified and this sets by rule who will be recognized by ODA.
136	Rep. Kruse	States currently they are certified but not recognized by the state.
140	Rep. Schrader	Comments that the Canby area has had this type of problem come up. Agrees that it would be nice to have some consistency in the standards for the state.
160	Rep. Uherbelau	Refers to (EXHIBIT F)
169	Rep. Kruse	Responds in reference to Rep. Schrader's comment that there's no need to reinvent something that already exists.
178	Phil Ward	ODA. States he has not had the opportunity to see the amendments so he will refer only to the original bill. States that staff saw merit in this proposal, but in regard to the rules and background research there would be some workload costs the first biennium the program was in place.
201	Ward	Continues with \$40,000 would be the fiscal impact to put this in place. The second biennium it would drop to approximately \$5,000.
212	Rep. Luke	Asks what expertise does the ODA have that DOGAMI (Oregon Department of Geology and Mineral Industries) doesn't.
215	Ward	Responds they would also be suitable, but the Soil and Water Conservation Division has the expertise that relates to this too.
223	Rep. Luke	

		Refers to restoration projects where DOGAMI advised counties on how to stop erosion and contamination. Asks would they have to be certified under this bill to advise counties and contractors.
233	Rep. Kruse	States this is not mandatory, it is a tool. This requires the ODA to develop a pool of experts.
247	Rep. Schrader	Comments on Rep. Luke's concerns and states reasons why ODA is a logical choice over DOGAMI.
272	Rep. Uherbelau	States that she feels the original bill comes closer to the intent and suggest they work on it more.
280	Rep. Kruse	Responds this can be done.
285	Rep. Luke	Comments that he is more conformable with the amendments because the original bill says any professional has to be and in the amendments it's just a recommendation.
291	Rep. Uherbelau	Comments she was going to say to add the words "it is recommended."
294	Rep. Messerle	Clarifies that this is a listing of professionals. Asks where will the \$40,000 be coming from.
307	Chair Starr	States we all know this will do a lot to clean up the streams.
314	Chair Starr	Recommends that they work together. Closes the public hearing on HB 3252 and adjourns meeting at 9:50 am.

Submitted By, Reviewed By,

Linda M. Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HR 3, Report to Governor Kitzhaber, staff, 96 pp.

B - HR 3, Written testimony, LeRoy Kline, 1 p.

C - HR 3, Written testimony, Peter Green, 2 pp.

D - HCR 25, Hand engrossed version, Rep. Simmons and Gil Riddell, 2 pp.

E - HB 3252, Proposed amendments, Rep. Kruse, 1 p.

F - HB 3252, History page, Rep. Kruse, 1 p.