

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 3, 1997 Hearing Room D

08:30 AM Tapes 55 - 56

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 3252 Public hearing

HCR 9 Public hearing

HCR 25 Work session

SB 209 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 |
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| Tape 55, A | | |
| 010 | Chair Starr | |

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| | | Opens meeting at 08:35 am. Opens public hearing on HB 3252. States that the committee will wait until Legislative Counsel has the amendments drafted before moving this to a work session. |
| <u>HB 3252</u> <u>PUBLIC</u> <u>HEARING</u> | | |
| 014 | Rep. Jeff Kruse | District 45. (EXHIBIT A) States "revenue impact is probably top end \$10,000 for the first year just to go through the public hearing process and would be fairly minimal after that." |
| 041 | Rep. Uherbelau | Clarifies the meaning in section 2 of the proposed amendments to be that anyone who advises the city needs to be certified, not that they are automatically certified just by advising the city. |
| 047 | Rep. Kruse | Responds the language is "shall." This is to suggest it is something they should do. |
| 053 | Rep. Uherbelau | Comments the language is confusing. Just because a person is advising a city, the Oregon Department of Agriculture should certify them, or does it mean that anyone who advises a city needs to be certified. |
| 060 | Phil Ward | Oregon Department of Agriculture. Interprets the language by pointing out "recommended" such that the state would provide recommendations. |
| 067 | Rep. Luke | States that Oregon has a registration program for contractors. It is not a license nor does it require meeting any minimum requirements. Asks is there enough money to guarantee that with this certification program, the person knows what they're talking about. |
| 077 | Ward | States the language would allow them to put the state seal on persons who have gone through another certification process, i.e., the Soil and Water Conservation Society or the International Association of Erosion Control Specialists. |
| 099 | Rep. Luke | States his concern is to be sure that "certified" has something behind it. |
| 103 | Ward | Responds that's a legitimate issue. |
| 104 | Rep. Kruse | Comments the two organizations mentioned have a high level of expertise. |
| 118 | Chair Starr | States this bill will be held over until it is determined if Ways and Means wants this bill. Closes public hearing on HB 3252 opens public hearing on HCR 9. |
| <u>HCR 9</u> <u>PUBLIC</u> <u>HEARING</u> | | |
| 140 | Rep. VanLeeuwen | District 37. (EXHIBIT B) |
| 148 | Rep. Jim Welsh | District 43. Discusses language to better reflect Dr. Stout's testimony. |

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| 196 | Judith Gruber | Policy Analyst. Refers to the hand engrossed bill which includes the -1 amendments. The -2 amendments are separate. |
| 199 | Rep. Uherbelau | States that Rep. Welsh is talking about further additions to the -1 and -2 amendments. |
| 202 | Rep. Welsh | Affirmative. Refers to the -1 amendments, line 6 add "; and for multiple use including the production and harvest of timber." |
| 242 | Chair Starr | Comments this bill will come back for a work session when the amendments are drafted. |
| 259 | Rep. Schrader | Asks why the evolution from area forestry to volume forestry. |
| 270 | Ben Stout | Responds that it became easier to talk volume and computers made it easier to calculate volume, however, it did not say where the volume was to come from. Thus, why not set aside an area and work with areas within the management zone. |
| 345 | Rep. Messerle | Asks how would the finances be managed? A cash flow basis could vary considerably year to year. |
| 355 | Rep. VanLeeuwen | Refers to a report on the Willamette National Forest, a portion of which is in her district. Comments how revenues have gone down with the lack of volume that's harvested. States that the districts south of hers have very little timber harvest not because there is a lack of volume but because there is a lack of allowable harvest. |
| 370 | Arnold Holden | Acting Director of Strategic Planning for the US Forest Service's regional office in Portland. States the distribution of receipts to counties is based on the acreage of county land within the national forest. |
| 391 | Rep. Uherbelau | States she would like his response to some of the statements in the resolution. Refers to line 11. |
| 400 | Holden | Responds it's possible that this is true given the re-forestation that has occurred. |
| 409 | Rep. Uherbelau | States that the mix could be different than it was 60 years ago. |
| 413 | Holden | Refers to the Tillamook burn about 60 years ago. |
| 423 | Rep. Uherbelau | Asks for his comment on the use of area control versus volume control. |
| TAPE 56, A | | |
| 007 | Holden | Responds that the National Forest Management Act, and the regulations that implement it, establish plans are to occur on a national forest basis not a ranger district. Timber harvest is based on a volume measurement rather than area control. Given environmental constraints, they are doing very little clear cutting and, if administered on an acreage basis, they would be unable to predict what the volume would be. |
| 030 | Rep. Uherbelau | States that area control allows a more effective response to variations and local forest conditions. Asks if he has any opinion with regard to this. |

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| 035 | Holden | States no opinion. |
| 036 | Rep. Uherbelau | Refers to line 21 of the resolution and asks for his comments regarding some problem areas with this. |
| 046 | Holden | Comments that a policy of collaborative stewardship is a mutual goal. Constraint lies with issues of final authority. |
| 061 | Stout | Comments that Congress would need to change some of the existing legislation in order to implement that goal. |
| 060 | Rep. Schrader | Asks if this was implemented would there be any difference in the way eastern and western Oregon were managed. |
| 065 | Holden | Responds that this issue has not been discussed in a long time and he cannot state an opinion. |
| 082 | Rep. Luke | Comments that timber management needs to be put back into the hands of professionals. |
| 086 | Rep. Schrader | States there was support from some foresters in eastern Oregon. |
| 090 | Chair Starr | States we need to break the "log jam." |
| 102 | Stout | Makes a personal comment with regard to the drafting of the bill. Comments that a major shift is necessary to change the way the forests are being managed. |
| 119 | Rep. Messerle | Asks if the legal, environmental and harvest issues were out of the equation, would this be as stable a source of funding for federal and local governments. |
| 126 | Holden | States he does not have an answer for that. |
| 133 | Rep. Messerle | Asks Dr. Stout to respond. |
| 135 | Stout | States that there would be forest professionals and interested public working on a district by district basis. The amount of income would increase substantially due to healthy competition. |
| 156 | Chair Starr | States this has brought some clarity. Puts this over until the amendments are drafted. |
| 167 | Rep. VanLeeuwen | States for the record that Holden just received the backup material from them. |
| 168 | Chair Starr | Closes public hearing on HCR 9 and opens work session on HCR 25. |
| <u>HCR 25</u> <u>WORK</u> <u>SESSION</u> | | |
| 208 | Gruber | Refers to the hand engrossed version of HCR 25 which includes the -1 amendments. The -2 amendments which incorporate the O & C lands are separate. (EXHIBIT C) |
| 223 | Gil Riddell | Association of Oregon Counties. |
| 227 | Gruber | Refers to line 12 of the -2 amendments "now therefore." This is also on the -1 amendments and needs to be deleted. |
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| 237 | Rep. Uherbelau | Refers to deleting line 13. |
| 253 | Gruber | Restates that the "now therefore" on line 12 of the -2 amendments and also line 13 is the same on both amendments. |
| 256 | Rep. Schrader | MOTION: Moves to ADOPT HCR 25-1 amendments dated 04/01/97. |
| | Chair Starr | Hearing no objection, declares the motion CARRIED. |
| 262 | Rep. Schrader | MOTION: Moves to ADOPT HCR 25-2 amendments dated 04/02/97. |
| | Chair Starr | Hearing no objection, declares the motion CARRIED. |
| 267 | Rep. SCHRADER: | MOTION: Moves HCR 25 be sent to the floor with a BE ADOPTED AS AMENDED recommendation. |
| 277 | | VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. |
| | Chair Starr | The motion CARRIES. REP. SIMMONS will lead discussion on the floor. |
| 294 | Chair Starr | Closes work session on HCR 25 and opens public hearing on SB 209. |
| <u>SB 209</u> <u>PUBLIC</u> <u>HEARING</u> | | |
| 298 | Gruber | Gives an overview of SB 209. |
| 313 | Paul Cleary | Director, Division of State Lands. (EXHIBIT D) |
| 314 | Rep. Schrader | Referring to the overview on SB 209, asks what was the dissenting vote. |
| 320 | Gruber | Answers this was a senate floor vote, Senator Dwyer was a single dissenting vote. |
| 323 | Cleary | States that based on comments Senator Dwyer made on a similar bill, speculates that the concern is if you have a competitive interest you should be out soliciting competitive bids. |
| 335 | Rep. Uherbelau | Inquires didn't the committee already hear a bill like this. |
| 344 | Chair Starr | Responds that was the Department of Forestry. |
| 345 | Cleary | Referring to Chair's response, the Department of Forestry manages all of the commercial forest lands under contract. Gives a few examples of how other non-commercial lands that have forest products on them are affected by various scenarios which require the Division of State Lands to clear the land. This bill would allow them to direct sell forest products in conjunction with that activity. |

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| 360 | Rep. Uherbelau | Comments isn't this basically the same as the bill presented by the Department of Forestry. |
| 365 | Cleary | Affirmative, to be consistent with the other agencies. |
| 371 | Rep. Schrader | Why isn't the Department of Forestry managing those lands. |
| 373 | Cleary | Refers to isolated tracks in eastern Oregon that are not managed by the Department of Forestry under contract. States there are times when the timber needs to be harvested on these lands and the Division has had difficulty going through the current process. |
| 381 | Rep. Schrader | Asks does the Division have the knowledge and resources to do this. |
| 385 | Cleary | Affirmative. |
| 395 | Rep. Messerle | Asks is it because this is a small volume that it's not efficient for a Department of Forestry contract specialist to travel to eastern Oregon. |
| 416 | Cleary | Affirmative. Refers to written testimony about decertifying 8700 acres in eastern Oregon. States they would use the same type of contract and seek their input on competitive interests in the area. |
| TAPE 55, B | | |
| 010 | Rep. Schrader | Should statute include how this is administered. |
| 010 | Chair Starr | Negative, that would be micro-managing. Closes public hearing on SB 209 and opens work session. |
| <u>SB 209</u> <u>WORK</u> <u>SESSION</u> | | |
| 014 | Rep. Thompson | MOTION: Moves SB 209 to the floor with a DO PASS recommendation. |
| 015 | | VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. |
| | Chair Starr | The motion CARRIES. REP. WELLS will lead discussion on the floor. |
| 024 | Chair Starr | Closes work session on SB 209 and adjourns meeting. |

Submitted By, Reviewed By,

Linda Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3252, proposed amendments, Rep. Jeff Kruse, 1p.

B - HCR 9, hand engrossed bill incorporating -1 amendments, -2 amendments, staff, 3 pp.

C - HCR 25, hand engrossed bill incorporating -1 amendments, -2 amendments, staff 5 pp.

D- SB 209, written testimony, Paul R. Cleary, 2 pp.