

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 26, 1997 Hearing Room C

8:30 AM Tapes 41 - 42

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair

Sen. Bill Fisher, Vice-Chair

Sen. Ted Ferrioli

Sen. Gary George

Sen. Thomas Wilde

MEMBER EXCUSED: Sen. Bill Dwyer

Sen. Veral Tarno

STAFF PRESENT:

Glen Stonebrink, Administrator

Brad Harper, Administrative Support

MEASURE/ISSUES HEARD:

SB 360 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 41, A		
004	Chair Kintigh	Due to the temporary absence of Sen. Fisher, chair convenes committee as subcommittee meeting at 8:40 AM.
<u>SB 360 PUBLIC HEARING</u>		
010	John Foster	Representing Oregon Small Woodlands Association. Supports SB 360 with modifications. Concerns regarding definition of "interface."
033	Bob Hall	Representing Portland General Electric (PGE). Supports SB 360 with modifications. Concerns regarding definition of "owner" to include easement holders.

057	Chair Kintigh	Question regarding extent of PGE service area.
060	Hall	Discussion of service area.
073	Sen. Wilde	Suggests overall definition of owner.
080	Sen. Ferrioli	Agrees with Sen. Wilde, but does not want to abrogate ownership rights which come with easement.
088	Hall	Will check this point with PGE attorneys.
097	Bill Moshofsky	Represents Oregonians in Action. Supports SB 360, but has concerns. Issue regarding authority of Board as a burden and liability to landowners. Does not want land to be unmanaged. Agrees with John Foster.
185	Sen. Ferrioli	Concerns regarding "explicit assignment of liability." Issue of aggregation.
207	Moshofsky	Agrees that these issues must be addressed.
226	Chair Kintigh	Comment
229	Sen. Ferrioli	Discussion of rural landowners.
238	Moshofsky	Definition of forest lands is very broad. Supports narrowing scope of SB 360.
255	Fred Robinson	Representing Oregon Department of Forestry (ODF).
260	Chair Kintigh	Question regarding SB 360.
265	Robinson	Discussion of evolution of rural interface concept.
295	Chair Kintigh	Full committee is convened at 9:04 AM. Senators George and Tarno are excused.
300	Clark Seely	Representing ODF. Discussion of interface concept.
350	Robinson	Submission of written materials. (EXHIBIT A) . Discussion of budget note.
423	Sen. Fisher	Question regarding term wildfires.
TAPE 42,A		
018	Robinson	Response
022	Sen. Fisher	Suggests using different term than wildfire or forest lands. Does not want plan limited to "wild, scenic lands." Wants explicit protection of homes and structures.
046	Robinson	ODF willing to make any necessary changes in terminology.
050	Chair Kintigh	Comment regarding classification system.
053	Robinson	Public comment will be solicited throughout classification

		process.
071	Seely	Discussion of statutory notice requirements.
076	Robinson	Suggests referencing necessary statutes within SB 360. Generally, landowners want ODF coverage. Further discussion of specific sections of SB 360.
108	Sen. Fisher	Question regarding consistency of terms within SB 360.
127	Sen. Ferrioli	Shares Sen. Fisher's concerns.
160	Seely	Discussion of changes to SB 360. Seeking to clarify forest land and interface classification. Discussion of forest land boundaries.
220	Chair Kintigh	Question
224	Seely	Response and discussion of rural land base. Discussion of proposed classification system.
288	Chair Kintigh	Question
292	Seely	Response regarding model for proposed classification system.
300	Robinson	Reference to Oregon Revised Statutes.
311	Seely	Further discussion of specific proposed changes to sections of SB 360. Discussion of requirement that landowners provides reasonable effort to suppress fires. Many suggested changes, but seeking clarification from committee where those proposed changes are in conflict. Discussion of budgetary provisions.
TAPE 41,B		
029	Sen. Fisher	Question regarding applicability of \$300,000 state limitation on liability.
034	Seely	Rural interface owners would enjoy same liability standards. But, failure to provide reasonable effort to suppress fires could increase liability.
066	Sen. Fisher	Question regarding whether \$300,000 liability limit applies to all Oregonians.
070	Seely	Liability cap applies only to forest land operators.
080	Sen. George	Question regarding average landowners in rural interface and costs they would have to bear under SB 360.
087	Seely	Discussion of options that forest landowners have; they can join an organization, provide their own protection, or contract with ODF. Discussion of forest practice standards.
138	Chair Kintigh	Question
140	Seely	Response
	Sen.	Question regarding herbicide initiative and fire suppression

142	George	equipment requirements.
155	Seely	Response and discussion of fire suppression equipment standards. Discussion of concept of "reasonable effort."
193	Sen. George	Question regarding landowners position is fire suppression efforts actually start fire.
205	Seely	Not the intent of SB 360 to find such a landowner liable. But, failure to provide protection or failure to get certification would be evidence of no reasonable effort.
231	Chair Kintigh	Requests that the measure be clarified.
236	Robinson	Suggestion regarding clarifying language. Scope of SB 360 is limited to and intent is to encourage landowners to mitigate fire hazards or face same additional liability as forest landowners who do not mitigate fire hazard.
298	Chair Kintigh	Question regarding whether these practices would be new to existing landowners.
308	Seely	Discussion of existing forest protection districts.
320	Chair Kintigh	Question
325	Seely	Clarification
332	Robinson	Discussion of past fire prevention efforts. SB 360 limited to lands which ODF is generally protecting already.
368	Sen. Fisher	Discussion of SB 360 and SB 365.
393	Chair Kintigh	Comment
400	Sen. Ferrioli	Agrees that landowners rights and duties must be clarified.
TAPE 42,B		
014	Seely	Discussion of Section 17 of SB 360.
057	Robinson	Discussion of special or unique concepts of assessment. Discussion of classification committees.
093	Chair Kintigh	Suggests that ODF review changes discussed today, as well as meeting with interested organizations.
106	Sen. Fisher	Directs attention to term "mass fire" in proposed legislation.
117	Sen. George	Question regarding Section 17 provisions for opting out of fire protection system.
129	Robinson	SB 360 applies on to lands currently within forest protection districts.
141	Sen. George	Question regarding opting out provisions.
144	Robinson	SB 360 will not extend any existing boundaries.

149	Sen. Ferrioli	Seeks clarification on issue of participation within system. Opting out does not mean the landowners will not participate in fire prevention and suppression activities.
167	Sen. George	Comment
169	Robinson	Response
180	Chair Kintigh	Closes public hearing on SB 360. Chair introduces LC draft 3462.
<u>INTRODUCTION OF COMMITTEE BILL</u>		
190	Sen. Ferrioli	MOTION: Moves LC 3462 dated 2/21/97 BE INTRODUCED as a committee bill.
	Chair Kintigh	Hearing no objection, declares the motion CARRIED.
		Committee bill LC 3462 dated 2/21/97 is introduced as SB 679.
195	Chair Kintigh	Chair adjourns meeting at 10:20 AM.

Submitted By, Reviewed By,

Brad Harper Glen Stonebrink

Administrative Assistant Administrator

EXHIBIT SUMMARY

A - SB 360, written materials, Fred Robinson, 24 pp.
