

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 5, 1997 Hearing Room C

8:30 AM Tapes 47 - 49

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair

Sen. Bill Fisher, Vice-Chair

Sen. Bill Dwyer

Sen. Ted Ferrioli

Sen. Gary George

Sen. Veral Tarno

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT:

Glen Stonebrink, Administrator

Brad Harper, Administrative Support

MEASURE/ISSUES HEARD:

SB 109 Public Hearing and Work Session

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 47, A		
005	Sen. Kintigh	Chair convenes meeting at 8:38 AM.
<u>INTRODUCTION OF COMMITTEE BILLS</u>		
012	Sen. Fisher	MOTION: Moves LC 4176, dated 2/27/97, BE INTRODUCED as a committee bill.

	Chair Kintigh	Hearing no objection, declares the motion CARRIED.
		(LC 4176 is introduced as SB 1002).
020	Sen. Fisher	MOTION: Moves LC 3355, dated 3/3/97, BE INTRODUCED as a committee bill.
	Chair Kintigh	Hearing no objection, declares the motion CARRIED.
		(LC 3355 is introduced as SB 1001).
<u>SB 109 PUBLIC HEARING</u>		
025	Charlie Stone	Representing Oregon Department of Forestry (ODF). Discussion of -2 amendments to SB 109.
045	Chair Kintigh	Question
050	Stone	Response and further discussion of -2 amendments.
093	Sen. Dwyer	Statement supporting actual record of good compliance.
100	Stone	Discussion of amendments' purpose.
112	Chair Kintigh	Question regarding intent of ODF.
115	Stone	Explanation
124	Sen. Fisher	Question regarding stewardship agreement.
127	Stone	Response
130	Sen. Fisher	Suggestion that amendment be more flexible in allowing foresters to operate.
138	Stone	Response and further discussion of -2 amendments.
175	Chair Kintigh	Clarification of language.
181	Sen. Ferrioli	Statement regarding section 4 and stated intent of legislation. Discussion of notification requirements and regulatory oversight.
214	Stone	Never ODF's policy to eliminate notification process - essential to tax collection. Otherwise, additional approvals within agreements should be minimal.
251	Sen. Ferrioli	Question regarding voluntary nature of agreements.
257	Stone	"Quid pro quo" situation.

276	Sen. Ferrioli	Discussion of current forest practice standards and need for incentives.
288	Stone	Overview of specific sections in -2 amendments.
322	Chair Kintigh	Closes public hearing on SB 109.
<u>SB 109 WORK SESSION</u>		
334	Sen. Wilde	Comment in support of SB 109.
369	Sen. Tarno	MOTION: Moves to ADOPT SB 109-2 amendments dated 02/27/97.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Dwyer, George
	Chair Kintigh	The motion CARRIES.
380	Sen. TARNO:	MOTION: Moves SB 109 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Dwyer, George
	Chair Kintigh	The motion CARRIES. CHAIR KINTIGH will lead discussion on the floor.
395	Chair Kintigh	Opens public hearing on SB 360.
<u>SB 360 PUBLIC HEARING</u>		
405	Fred Robinson	Assistant Forester, Oregon Department of Forestry (ODF).
407	Clark Seely	Representing ODF.
<u>TAPE 48,A</u>		
010	Robinson	Discussion of wildland/urban interface.
055	Chair Kintigh	Question regarding geographical location of interface.

058	Robinson	SB 360 intended to provide necessary detail for drawing framework of interface. Further discussion of SB 360. Submission of written materials (EXHIBIT A).
180	Chair Kintigh	Question regarding liability of absent landowner.
182	Robinson	No reasonable effort can be expected if landowner not present at time of fire.
186	Seely	Comment
192	Robinson	Discussion of landowner creating additional fire hazards and duty to mitigate.
255	Chair Kintigh	Question
260	Sen. Fisher	Question
262	Robinson	Response
274	Robinson	Further discussion of SB 360, section 17.
320	Chair Kintigh	Question regarding payment of fire control assessment.
325	Robinson	Discussion of allocation of fire control responsibilities.
345	Seely	Further discussion of SB 360, section 17 and concept of reasonable effort to suppress fires..
378	Robinson	Discussion of fire prevention measures and duty to minimize or mitigate fire hazards.
TAPE 47,B		
035	Chair Kintigh	Question regarding identification of specific fire control measures.
037	Robinson	Discussion of fire prevention cooperatives.
045	Chair Kintigh	Question regarding role of ODF in education process.
047	Robinson	Discussion of ODF's role in prevention measures.
058	Sen. Tarno	Question regarding input from insurance companies.
060	Robinson	Discussion of varying involvement of different insurance companies and usefulness of certification process under SB 360. Submission of written materials (EXHIBIT B).
117	Robinson	Discussion of SB 360, section 17, paragraph (1)(c) relating to criteria of reasonable effort.
132	Chair Kintigh	Question whether calling for assistance is sufficient effort.
135	Robinson	Calling for assistance may be only option in some situations.
140	Seely	Further discussion of paragraph (1)(c) requirements.

	Sen. Wilde	Comment
190	Seely	Discussion of SB 360, section 17, paragraph 2, relating to adoption of minimum standards for fire hazard, risk minimization, or mitigation.
214	Chair Kintigh	Question regarding section 17.
219	Seely	Common sense approach to give local authorities greatest control. Further discussion of paragraph 2.
256	Chair Kintigh	Question regarding establishment of driveways wide enough for fire trucks.
265	Seely	Discussion of changes which will be required upon upgrading structures and different standards for new development versus existing development.
280	Chair Kintigh	Question
282	Seely	Response and discussion of SB 306, section 17, paragraph 3, relating to self-certification.
304	Chair Kintigh	Question regarding self-certification process.
306	Seely	Explanation of minimum standards and dissemination of this information to landowner.
318	Sen. Ferrioli	Question regarding "checklist" to be provided to landowners and whether that document can be used to establish or disprove liability.
337	Seely	Self-certification is key to SB 360.
357	Sen. Ferrioli	Comment regarding intent of SB 360.
365	Robinson	Clarification of concept of "site specific" certification process.
TAPE 48,B		
007	Sen. Wilde	Comment and question regarding frequency of self-certification process.
020	Seely	Response
028	Sen. George	Question regarding scope of fire prevention measures.
034	Seely	Fire prevention limited to areas around homes, not the entire property.
040	Sen. George	Question regarding actual risk of fires originating around homes as opposed to other areas.
055	Robinson	Discussion of fire history in interface areas.
092	Sen. George	Requests actual numbers on fire origins. Comment regarding fire fighting practices.

111	Chair Kintigh	Comments on need to address fires which start away from homes, but subsequently threaten those communities. Intent of legislation is to encourage people to protect their homes.
122	Sen. Ferrioli	Agrees that people should be encouraged to take fire prevention measures, but is concerned that homeowners may face increased liability. Requests information regarding cost recovery involving wildland/urban interface fires.
147	Robinson	Discussion of cost recovery issue and past experience.
195	Sen. Ferrioli	Discussion of absence of liability limitations on homeowners in comparison to \$300,000 liability limitation enjoyed by private industry. Concern that homeowners may face liability costs simply by being in path of fire for which they are not responsible.
235	Sen. Wilde	Question regarding self-certification process and state's liability in making those determinations.
245	Seely	Reference to SB 360, section 17, paragraph 3. Issue currently being addressed by attorney general.
262	Sen. George	Question regarding specific fire.
270	Robinson	Response
290	Sen. George	Suggests specific language identifying how reasonable efforts are to be defined.
300	Robinson	ODF currently posts specific lists of reasonable efforts. Reasonable effort concept defined by statute.
325	Sen. George	Suggests committee issue press release to encourage public participation.
339	Sen. Ferrioli	Discussion of differential liability limitations.
393	Robinson	Explanation of "unlimited" liability concept.
TAPE 49,A		
044	Sen. Ferrioli	Discussion of homeowner liability issues.
078	Sen. George	Discussion of government obligations to rural homeowner and whether ODF would allow homeowner to set "back fires."
092	Robinson	Homeowners may do whatever they wish on their own property.
110	Sen. George	Comment regarding need to balance law to protect private homeowners.
120	Robinson	Discussion of privately set "back fires."
137	Sen. George	Question
139	Chair	Comment

	Kintigh	
142	Robinson	Comment
145	Chair Kintigh	Comment
152	Sen. Fisher	Comment
163	Chair Kintigh	Chair adjourns meeting at 10:42 AM.

Submitted By, Reviewed By,

Brad Harper Glen Stonebrink

Administrative Assistant Administrator

EXHIBIT SUMMARY

A - SB 360, written materials, Fred Robinson, 11 pp.

B - SB 360, written materials, Fred Robinson, 1 p.
