

SENATE COMMITTEE ON
AGRICULTURE, NATURAL RESOURCE AND THE ENVIRONMENT

March 29, 1995 Hearing Room 343
3:00 P.M. Tapes 60 - 61

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair
Sen. Bill BRADBURY
Sen. Bill Dwyer
Sen. Tom Hartung
Sen. Rod Johnson, Vice-Chair
Sen. Marlin Shannon

STAFF PRESENT:

Bruce Macintosh, Committee Administrator
Cartoon Victor, Committee Assistant

MEASURES HEARD: SB 160 WORK SESSION

SB 530 WORK SESSION
SB 749 PUBLIC HEARING
SB 829 PUBLIC HEARING

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in annotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

Tape 60A

03 CHAIR KINTIGH: Calls meeting to order at 3:06 P.M.

OPENS PUBLIC HEARING ON SB -829

006 SENATOR EUGENE TIMMS, SENATE DISTRICT 30: Testifies in support of SB 829.

Reviews the bill passed in the 1991 session, which was one of the toughest chemical mining laws ever passed "in the world".

-Responds to Sen. Dwyer regarding the rule making process and why the bill is necessary.

Explains the need for mineral development in the state of Oregon.

057 SENATOR RON CEASE, SENATE DISTRICT 10: Testifies in support of SB 829. -Discusses the proposed amendments to SB 829.

099 REPRESENTATIVE DENY JONES, HOUSE DISTRICT 60: Testifies in support of SB 829.

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123 SEN. DWYER: We struck a "pretty good medium" last session with this bill. Speaks in support of the bill.

159 SEN. BRADBURY: This is a statute and I would like to know what prevents a person from filing an initiative that amends this statute?

163 REP. JONES: Responds to question from Sen. BRADBURY regarding changing the statute.

There is nothing to stop a person from filing an initiative to change this statute.

189 SEN. CEASE: States that the strong argument against a person or group who might file an

initiative to make a constitutional amendment to change the statute, would be the more than adequate environmental protection. It is balanced on both the economic and environmental sides.

230 -Responds to Sen. BRADBURY regarding the amendments to SB 829;
specifically subsection

3.

250 SEN. TIMMS: Provides the committee with further assurance of the
unlikelihood of the
success of someone or group repealing the statute based upon the strong
argument of the
model
environmental protections.

RECESSES THE PUBLIC HEARING ON SB 829

OPENS THE WORK SESSION ON SB 160

274 BRUCE McINTOSH, COMMITTEE ADMINISTRATOR: Reviews the SB 160-7
amendments EXHIBIT A], and discusses the following changes with the
committee: 1) Page
2; definition of the edge of the highway, 2) Page 3, line 15, extend the
rotation cycle from 10
years to 12 years

315 MOTION: SEN. KINTIGII: MOVES TO AMEND SB 160 BY CHANGING THE
ROTATION TIME ON LINE 15 OF PAGE 3, FROM "10" YEARS TO "12"
YEARS.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

317 MR. McINTOSH: Continues discussing the changes.

-Page 8, lines 18-21; explains the background for the opposed change.

-Page 14; a clause under which the Department of Forestry could allow for a

modification

waiver of the rules on the scenic corridor requirements.

352 SEN. DVVYER: If you are in big business, the land issue and economic
factors that relate to

you are not as devastating than if you are a small landowner (20 or so
acres). I'm looking out
for the little guy.

378 MR. McINTOSH: On page 15, lines 25 and 26, explains the change in
wording of "all

harvest types less than 5 acres in size are exempt from this section"; we
deleted the words "all
harvest types" and replaced it with "harvest on single ownership's...".

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394 MOTION: SEN. KINTIGH: MOVES TO AMEND SB 160 BY DELETING
"ALL HARVEST TYPES" ON PAGE 15, LINE 25-26 OF THE BILL, AND BY
INSERTING "HARVEST ON SINGLE OWNERSHIPS".

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

398 MR. McINTOSH: Page 16 to the top of page 17; discusses new wording which
is being

added, "including, but not limited to, waive the requirement for wildlife
leave trees to be at

least 50% conifers upon showing that a site is being intensively managed
for hardwood
production."

-Page 17, lines 17-23; request for amendment to the committee to

specifically detail the 25

acre exemption would not apply if additional harvest occurred adjacent to
that 25 acres to
expand beyond.

-Continues with new language changes.

-Page 13, line 6 deletion of "Hwy 100".

Tape 61A

039 MOTION: SEN. KINTIGH: MOVES TO AMEND SB 160 BY DELETING
"HWY 100" ON PAGE 13, LINE 6 OF THE BILL.
VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

50 CHAIR KINTIGH: Clarifies the new definitions and measuring points from
which the new

provisions relate to single ownerships.

-Discusses 'right-of-way' and 'visual corridor's' with Sen. Bradbury.

100 MOTION: SEN. DWYER: MOVES TO ADOPT SB 160-7 AMENDMENTS
DATED 3/27/95 AS AMENDED.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

104 MOTION: SEN. DWYER: MOVES SB 160 BE SENT TO THE FLOOR WITH A
DO PASS AS AMENDED RECOMMENDATION.

VOTE: 6-0

IN A ROLL CALL VOTE, ALL MEMBERS PRESENT VOTE AYE.

CHAIR: The motion CARRIES.

CHAIR KINTIGH will lead the discussion on the Floor.

CLOSES THE WORK SESSION ON SB 160

OPENS THE WORK SESSION ON SB 530

Witness: CHARLIE STONE, Oregon Department of Forestry

125 BRUCE McINTOSH: Explains the SB 531 1-3 amendments [EXHIBIT B].

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109 MOTION: SEN. KINTIGH: MOVES TO AMEND SB 530-3 AMENDMENTS
BY DELETING "AT THE TIME OF INSPECTION UNDER SUBSECTION (5)
OF THIS SECTION, THE STOCKING OF FOREST TREES ON THE PARCEL
OR PORTION THEREOF IS NOT LESS THAN THE STANDARD REQUIRED
UNDER ORS 527.745." ON PAGE 2, LINES 4-6.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

198 MR. McINTOSH: Continues to explain changes to the SB 530-3 amendments.

232 MOTION: SEN. KINTIGH: MOVES TO AMEND SB 530-3 AMENDMENTS
DATED 3/29/95 AND THAT THE AMENDMENTS BE FURTHER AMENDED
ON PAGE 2, LINE 24, BY CHANGING "SHALL" TO "MAY".

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

242 MR. McINTOSH: Concludes the explanation of the changes to the SB 530-3
amendments.

253 CHARLIE STONE, OREGON DEPARTMENT OF FORESTRY: Explains the necessity
of the change of lines 1-2 on page 3 of the SB 530-3 amendments.

530 MOTION: SEN. JOHNSON: MOVES TO ADOPT SB 530-3 AMENDMENTS
DATED 3/29/95 AS AMENDED.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

333 MOTION: SEN. JOHNSON: MOVES SB 530, AS AMENDED TO THE FLOOR
WITH A DO PASS RECOMMENDATION.

340 SEN. BRADBURY: Does not agree with this bill and the proposed
amendments. It goes

around the Forest Practicing Act. I will be voting no on its passage to the
Floor.

350 STONE: Clarifies the bill, and the intent of the amendments

400 SEN. JOHNSON: The bill allows you to cut your own trees. We are hoping
that this will encourage people to plant trees.

Tape 60B

005 SEN. BRADBURY: Doesn't share the view of Sen. Johnson that people will replant trees on their own property given the price currently being paid for timber.

010 SEN. JOHNSON: Explains the vantage point in his county regarding the bare land and the abundance of good timber at lower elevations that are standing idle.

011 MOTION: (RESTATES PREVIOUS MOTION) SEN. JOHNSON: MOVES SB 530, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

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VOTE: 5-1
AYE: KINTIGH, JOHNSON, DVVYER, HARTUNG, SHANNON
NAY BRADBURY

313 MOTION: SEN. JOHNSON: MOVES TO AMEND SB 530-3 AMENDMENTS BY DELETING SUBSECTION (B) OF SECTION (6) ON PAGE 3, LINE 1-2 OF THE AMENDMENT.
VOTE: CHAIR DECLARES MOTION CARRIES. SEN. BRADBURY VOTES NO.
SEN. JOHNSON will lead discussion on the floor.

040 SEN. DWYER: Give vote explanation."

CLOSES THE WORK SESSION ON SB 530

OPENS THE PUBLIC HEARING ON SB 749

Witnesses:

SENATOR JOAN DUKES, SENATE DISTRICT 1
GREG MILLER, State Timber Purchasers Division
JIM McCAULEY, Associated Oregon Loggers
JILL BOWLING, Program Director, State Forest Lands Program
DAN CHRISTENSON, District Forester, Clackamas area

066 SENATOR JOAN DUKES, SENATE DISTRICT 1: Testifies in support of SB 749 with a proposed amendment. EXHIBIT C].
-Amendment has been approved by the ODF.
-Explains the increase noted in the amendment of the dollar amount.
-Responds to Sen. Dwyer regarding the exemption in the amount of money regarding an emergency sale, to allow the ODF to sell an amount of timber which is exempt from public bidding and make the equivalent set to approximately \$60,000 which is the current figure for this type of sale.

104 SEN. DWYER: Explains that he is worried for the "good ole boy". In the interest of competition it is good to not allow ODF the discretion of just ruining the opportunity for the "good ole boy".

125 SEN. DUKES: The cost of putting up a sale is very substantial and it really isn't worth it for the Department for \$25,000 to put this emergency sale up for public bidding.

135 GREG MILLER, DIRECTOR, STATE TIMBER PURCHASERS DIVISION AND JIM McCAULEY, ASSOCIATED OREGON LOGGERS: They are both present to urge the committee's favorable consideration of SB 749 [EXHIBIT D].
-Explains that the purpose of the bill is to exempt state forest products

sales from certain

provisions of ORS 279 Public Contract Law.

-Explains the details of the exemption.

-Responds to Sen. Dwyer regarding the threshold between \$25,000 and \$60,000.

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210 -Continues to explain the sale of timber and the applicable statutes to the specified sales; ORS 530.

-Responds to Chair Kintigh regarding the contract laws and who they are meant for.

346 -Continues to testify.

362 JIM McCAULEY, ASSOCIATED OREGON LOGGERS: Test)files in support of SB 749 with some changes EXHIBIT E]. We are looking at the additional changes and the cost to us and the lowering of benefits to the employee. Questions how the loggers can be expected to accept this with no data to back it up.

410 -Responds to various questions from Chair Kintigh and Sen. Dwyer regarding the prevailing wage and hour rate and what the purchaser would be held responsible for.

Tape 61B,

10 JILL BOWLING, PROGRAM DIRECTOR, STATE FOREST LANDS PROGRAM:

Test)files in support of SB 749 [EXHIBIT F1.

-Summarizes SB 749 as legislation which reestablishes the department's long-term business relationships.

-SB -749 gives greater latitude of credit requirements for business purposes.

-This bill has a major impact on state purchases.

-The Division of State Lands is also in support of SB 749.

099 -Responds to Chair Kintigh and explains how long the department has been under the requirements of ORS 279.

100 DAN CHRISTENSON, DISTRICT FORESTER: Test)files in support of SB 749. Explains how competitive bidding is good for his organization.

CLOSES THE PUBLIC HEARING ON SB 749

REOPENS THE PUBLIC HEARING ON SB 829

Witnesses:

JOHN BRENNEMAN, Newmont Mining

GARY LYNCH, Oregon Department of Geology and Mineral Industries

JAY WALDRON, Private law firm

LARRY TUTTLE

BRAD VVITT, AFL/CID

DON HALL

130 JOHN BRENNEMAN, NEVVMONT MINING: Test)files in support of SB 829 with amendments [EXHIBIT G].

143 GARY LYNCH, OREGON DEPARTMENT OF GEOLOGY and MINERAL INDUSTRIES: Test)files in support of SB 829. -Refers to current standards invoked by previous legislation in 1991 under HB 2244.

~ J1.

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-Explains that DOGAMI is in support of the "Version B" presented by Newmont Mining

(Exhibit G).

-Explains that the "Version B" replaces SB 829 completely.

188 JAY WALDRON, private law firm: Testifies in support of the "Version B. (EXHIBIT G); this is the form of SB 829 which has been agreed upon by all parties concerned.

240 -In response to Sen. Shannon, explains the different types of mining they are able to do and may use in the future.

245 BRENNEMAN: Clarifies for the record Newmont's investment so far of approximately \$30 million dollars. It is sizable to the Oregon investment.

250 LYNCH: Explains the mining process in simplified terms for the committee. Discusses two kinds of mining which might be used in this case, 'open pit mining' and 'underground'. The nature of the deposit will dictate how the area will be mined.

267 LARRY TUTTLE, private citizen: Testifies in opposition to SB 829. -One thing that should be acknowledged is when freezing the regulations for this big company it could also be unfavorable for them later.

295 BRAD WITT, AFL/CID: Testifies in support of SB 829 as amended. -This mine has and will provide many jobs to an economically depressed area.

366 DON HALL: The current bill as amended would reaffirm that the existing bill is strong. We support this bill.

CLOSES THE PUBLIC HEARING ON SB 829

400 CHAIR KINTIGH: Meeting adjourned at 4:55 PM

Council of Forest Land Counties 3/29/95 letter is submitted for the record (EXHIBIT H).

Edited by,

Pat Zwick

EXHIBIT SUMMARY:

A -- SB 160 SB 160-7 LC amendment-- Staff-- 19 pages.

B-SB 530 SB 530-3 LC amendment-- Staff-- 3 pages.

C -- SB 749 SB 749-1 LC amendment-- Senator Joan Dukes -- 1 page.

D -- SB 749 G. Miller Testimony -- 4 pages.

E-SB 749 J. McCauley Testimony -- 3 pages.

F-SB 749 J. Bowling Testimony -- 3 pages.

G --SB 829 Proposed "Version B" amendment -- John Brenneman -- 1 page. H

--SB 749 Council of Forest Trust Land Counties Letter -- 1 page.

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