

SENATE COMMITTEE ON
AGRICULTURE, NATURAL RESOURCE AND THE ENVIRONMENT

April 5, 1995 Hearing Room 343
3:00 P.M. Tapes 66-67

MEMBERS PRESENT: Sen. Bob Kintigh, Chair Sen. Bill Bradbury Sen. Bill Dwyer
Sen. Tom Hartung Sen. Rod Johnson, Vice-Chair Sen. Marylin Shannon

STAFF PRESENT: Bruce McIntosh, Committee Administrator Catrina Victor,
Committee Assistant

MEASURES HEARD: SB -889 - Public Hearing
SB -947 - Public Hearing
SB -948 - Public Hearing and Work Session

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

TaDe 66A,

03 CHAIR KINTIGH: Meeting called to order - 3:10 P.M.

Onens PUBLIC HEARING on SB -889. Includes testimony on SB 947.

10 JIM HILL, Legislative Assistant to Senator Hamby: Introduces constituent
Ethel Duyck.
 Reviews the bill in front of the committee and the basic history
25 ETHEL DUYCK: Gives testimony and explains the problem of false claims by
neighb ors in
 regards to their farming operations and dairy business
55 SEN. DWYER: I do not want to inhibit just)fied complaints, but understand
the problems
 Duyck is going through
80 DAVE NELSON, Oregon Dairy Farmers Association: Test)flies in support of
SB -889 and SB
 947 Asked to include testimony on both bills for convenience sake. Both
bills would cut down
 on unwarranted complaints
111 BERNIE FAVOR, Oregon Dairy Farmers Association: Test)flies in favor of
SB -889 and SB
 947.

167 SEN. HARTUNG: Have there been an increase in complaints?
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171 NELSON: Yes.
179 SEN. DWYER: Doesn't it seem like SB -889 creates a new crime, a felony.

199 NELSON: This will require people to tell the truth.

200 DWYER: I think this bill ought to go to Judiciary [Committee] and it
will cost a lot of money to enforce.

230 MIKE SIMS, Tillamook Dairy Association: Our organizations are in full
support of both bills
 or a combination of the two.
240 SEN. HARTUNG: Are you having a lot of unfounded complaints?
241 SIMS: Not a great deal. But we would support this as a proactive move.
255 DON MOISON, Books Dairy Farm: At the time he served as President of the
Oregon Dairy
 Farmers' Association, they had some action against a couple of dairies.
 -There are a number of unnecessary complaints which occur all the time.
 -He'd like to see complainers responsible in the form of a fee involved or
written complaint.

293 SEN. DWYER: Appreciates the dairyman's efforts, however feels neither
bill is a way to
address this issue.

315 SEN. HARTUNG: Do you have a proactive program to invite comments or
criticism of

neighbors.

325 MOISON: Yes. There is a person that deals with waste management.
Approximate 1/3 of his
time is spent doing this.

350 LOUIS CASMERE: Dairy Farmer. States complaints directly related to his
farm. They have
had a total of 8. Five of which are from one individual, a neighbor. All of
which have resulted in
investigations. The individual is an irritated vindictive neighbor and
former customer.

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26 JIM KRAHN, Program Manager, Oregon Dairy Farmers Association: Gives
examples of
dairies that are continually being harassed by unreasonable neighbors. In
favor of both bills and

feels they would drastically cut down on the complaints.

78 CHAIR KINTIGH: Filing fee for a complaint on the second time?

80 KRAHN: That would be O.K. We don't want disgruntled employees or mad
neighbors to

complain for no reason.

87 SEN. DWYER: I do not want to penalize the group of people that are acting
in 'good faith.'

Legitimate ones.

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contents of the proceedings, , please refer to the tape
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114 BRUCE ANDERS, Director, Oregon Department of Agriculture: Not in
opposition to these
bills.

-We try to respond to complaints objectively but when a law suit is sought
we must
investigate.

-It takes a great deal of our time to determine the validity of complaints.

155 CHAIR KINTIGH: Would you or your staff be willing to work on combining
these bills?

160 ANDERS: Yes.

168 SEN. DWYER: Requests a list of complaints from the last couple of years,
indicating those that

were investigated, confirmed, percentage from same person, etc.

182 PHIL WARD, Oregon Department of Agriculture: We generate about 100
complaints a year.

Around 50% are valid. Previously it was about 95% valid.

202 SEN. HARTUNG: When is it considered a confined feeding operation?

210 ANDERS: It's a numbers issue and a length of time issue. There is a
formula to determine if
they are considered confined.

Closes PUBLIC HEARING on SB -889

ODens PUBLIC HEARING on SB -947

245 JIM MYRON, Oregon Trout: Understands the issue of harassment and has
shared concerns with Nelson for possible alternative for complaints so

legitimate ones may be addressed.

280 CHAIR KINTIGH: Suggests members from all interested groups get together to come to an agreement and come back in the future with the suggestions.

Closes PUBLIC HEARING on SB -947

ODens PUBLIC HEARING on SB -948

320 DAVE NELSON, Oregon Seed Council: Testifies in support of SB -948.

390 RAY WILKESON, Oregon Forest Industries Council: In support of SB -948. States resources are needed to go directly to the Forestry Dept. to cover some of the needed costs.

TAPE 66-B

18 TED LORENSON, Department of Forestry: Testifies in favor of the bill.
-- This should improve our coordination in monitoring efforts.

38 PHIL WARD, Oregon Department of Agriculture: Testifies in favor of SB -948. This would
allow us to approach the EPA directly for some of the needed funds.

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64 SEN. DWYER: Do these grants show up in your budget as Other Funds?

66 WARD: If they didn't show up in our budget, we would need to approach the
Emergency Board
for authorization

Closes PUBLIC HEARING on SB 948. Opens WORK SESSION on SB 948.

MOTION: SEN. JOHNSON: Moves SB 948 to the floor with a DO PASS
recommendation. VOTE: CHAIR KINTIGH: Requests roll call vote. ROLL CALL:
CATRINA VICTOR:

SENATORS: DWYER aye
HARTUNG aye
JOHNSON aye
SHANNON aye
CHAIR KINTIGH aye

EXCUSED: SENATOR BRADBURY
MOTION CARRIES.

The committee adjourned at 4:10 p.m

Submitted by,	Reviewed by,
Catrina Victor,	Bruce McIntosh
Committee Assistant	Committee Administrator

Assisted by, ,
Dar' Woodrum,
Committee Assistant

EXHIBIT LOG:

There were no exhibits available for this hearing.

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