

SENATE COMMITTEE ON  
AGRICULTURE, NATURAL RESOURCE AND THE ENVIRONMENT

January 18, 1995 Hearing Room 343  
3:00 P.M. Tapes 4,5

MEMBERS PRESENT:

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

MEMBER EXCUSED:

STAFF PRESENT:

Bruce McIntosh, Committee Administrator  
Catrina Victor, Committee Assistant

MEASURES HEARD: Bill 132, Public Hearing and Work Session  
Bill 156, Public Hearing and Work Session  
Bill 158, Public Hearing

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TAPE 4A!

06 Chair Kintigh: Meeting called to order- 3:04 P.M.

05 Chair Kintigh: Invites first person to testify on Senate Bill 132.

07 John Beaulier: Department of Geology and Mineral Industries. Presents exhibit A.

Fully in support of this issue and recommends including Metro as voting member in this body.

They welcome public opinions to the board.

30 Mr. Beaulier: This is a positive change. With the minor question of Sub G. and Sub H.

34 Chair Kintigh: Understands concern of G and H. The wording is confusing. Suggests rewording.

50 Chair Kintigh: Is this board getting to be too big? Is it currently of manageable size?

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57 Mr. Beaulier: There has never been a problem with not having a quorum.  
Concludes testimony.

60 Chair Kintigh: Asks if there are any questions for Mr. Beaulier. Hearing none, seeks additional witnesses that wish to speak that may not have signed up.  
Directs question to Bill Cross.

65 Bill Cross: Building Owners and Managers Association. They wish one of the new members to be someone from the commercial building industry. Concerned with the recent quake in Japan and how this should bring attention to our situation and the need to have a representative with structural and building code experience. A brief amendment is read

aloud. States a typed

copy will be distributed by the next meeting for committee review.

81 Sen. Hartung: Would Item 3 (H) be one of your member represented?

85 Mr. Cross: It would be at the discretion of the appointing authority.

Prior experience may not

be required of the public to hold the specific opening.

94 Sen. Hartung: That wouldn't preclude anyone from the building owners association but it

would not be required.

95 Sen. Dwyer: Can empathize with Mr. Cross, but it's not always possible to represent all

interested parties on boards.

115 Chair Kintigh: Recognizes Burton Weist.

120 Burton Weist: Special Districts Association. Metro has been an active participant in the

community and hopes to be in the future. As a member they have been very

helpful in the earthquake plan thus far. As a sitting member we encourage your support of this bill.

150 Chair Kintigh: Closes testimony on this Bill and will continue it another day.

Moves to Bill 156. Calls first witness.

156 Lorna Young: Department of Agriculture. The reasoning behind this bill is to regulate

horse meat labeling, that it the falls under food safety requirements, and is sold by licensed

establishments or if it is commingled with other meats. Notification to the consumer would be

known. See exhibit B handout,

173 Sen. Dwyer: Where is the slaughter house?

175 Ms. Young: Redmond, Oregon.

180 Sen. Bradbury: What is the story behind this?

190 Ms. Young: Originally to keep fraud/false advertising and commingling the meats.

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196 Sen. Hartung: Tells story of W.W.II when meat was scarce it was sold as beef and was mislabeled. This is a good bill to inform consumers.

Tape 4A

212 Sen. Dwyer: Should we raise the penalty of those that choose to masquerade horse meat?

218 Ms. Young: There currently is no civil penalty for fraud in food statutes. However all mislabeled items can be seized.

225 Chair Kintigh: Closes the hearing. Additional work session requested.

233 Sen. Bradbury: Moves to vote.

238 Chair Kintigh: Requests a roll call vote.

All senators voted yes. With the exception of Sen. Rod Johnson who was excused/absent.

Sen. Johnson was concluding another committee meeting and will arrive after it's completion.

259 Chair Kintigh: Asked this item be carried by Sen. Hartung.

Senate Bill 158 was called and the first witness recognized.

264 Fred Robinson and Rick Gibson, the Department of Forestry

Refers to the exhibit C.

270 Mr. Robinson: Refers to page 3 (actually the page 1 circled inside the packet) covering fires and children.

314 Mr. Robinson: The process of this bill began a year ago. The bill was  
jointly developed with  
Forest Protection Associations, the interaction of multiple agencies,  
and individuals/interested public.  
353 Mr. Robinson: Reviews the first and second provisions, see exhibit C.

Tape 5A

05 Mr. Robinson: See exhibit C for overview of statutes and provision three.  
Asks that 620, 685, and 690 be deleted from the statute.  
20 Mr. Robinson: If a child is charged with starting a fire the parents will  
be fined up to  
\$5,000.00. See handout B. This provision will hopefully encourage parents  
to suppress the  
use of fireworks and to watch their children more closely.  
43 Sen. Johnson: What is the liability now?  
45 Mr. Robinson: There is none. Unless negligence is present.  
53 Sen. Johnson: Why?  
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56 Mr. Robinson: It is very difficult to prove intent.

Tape SA

60 Sen. Johnson: Does this bill guarantee a \$5000.00 payoff no matter what?  
Does it also  
admit  
to fault? If so, perhaps will hinder individuals from coming forward and  
admitting fault?  
70 Mr. Robinson: Yes. This could happen. The publicity may keep individuals  
from admitting  
fault as well as keeping a better eye on their children.  
85 Mr. Robinson: The law is not designed to punish children but to stop  
situations from  
happening to begin with or again.  
92 Sen. Dwyer: Concerned that parents don't always have control of their  
kids. Some parents  
have no control at all over their children and shouldn't be held  
responsible. Wants some  
control of liability if the parents have sought help from the State and the  
children can't be  
controlled. Incurable kids should not make their parents pay for their  
actions.  
120 Mr. Gibson: Much of these fires would be covered by normal homeowners  
fire policies.  
131 Sen. Dwyer: A mechanism needs to be installed to protect the parents.

144 Sen. Shannon: Sometimes tragedy can bring the families together and  
begin communication. I think this is a good bill.

153 Sen. Hartung: Do minors constitute those under 18?

157 Mr. Robinson: This bill says 13 years old. Different statutes vary in  
the exact age of a minor.

160 Sen. Hartung: Who determines who started the fires?

163 Mr. Robinson: The Forestry Department.

174 Sen. Hartung: Are you comfortable with your investigation success rate?  
What percentages of lands are protected?

180 Mr. Robinson: Yes. Half of the land in Oregon, 16 million acres of

forest land/non-Federal lands are protected.

190 Chair Kintigh: The arson team also helps in the investigations of fires. Calls for additional questions, then for the next witness to approach.

194 Tom Bessonette: Thanks the committee. Appears on behalf of Oregon Mutual Insurance Company. They hope to recover some of the costs/loss of these fires and this bill would help to do that. Home owner policies will cover the costs of a forest fire.

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Tape 5A

233 Mr. Bessonette: Concerned with a wayward child being responsible to pay \$5,000.00 for every act. Refers to line 45 and states that foster parents are not held liable, however should be. Foster parents with home owners insurance are covered to pay for this kind of item.

257 Mr. Bessonette: A homeowners policy covers husband and, wife and children living at home. Age of accountability varies upon issue, may be determined in the courts. It could be 18 it could be 6 years of age. If a fire is intentionally started it is still covered under most policies.

291 Chair Kintigh: Relates to previous low costs of fires \$21.00 being the smallest amount.

Only two fires actually cost \$5,000.00 or more.

301 Mr. Bessonette: I am concerned with the precedent of making the parents responsible, not so much the costs. It's the innocent home owners paying for fires of others that is a worry.

309 Sen. Bradbury: Questions coverage if negligence is determined.

371 Mr. Bessonette: Clarifies.

332 Sen. Bradbury: If the law is passed and is my child is responsible for the fire, would my agent pay the \$5000.00 liability?

361 Mr. Bessonette: Yes. The new law would make the parents pay regardless of fault. But your

total liability could be more if negligence is proven.

364 Sen. Dwyer: How do you feel about a child one can't control?

375 Mr. Bessonette: It's a risk of doing business in today's society.

380 Sen. Dwyer: Would it be fair to exclude parents if the child has been emancipated?

394 Mr. Bessonette: Yes, if it was stated like that.

400 Chair Kintigh: Is there further questions or witness?

Calls Mr. Robinson to speak.

410 Mr. Robinson: Oregon State Forestry Department

Comments how the law to includes children playing with fireworks and should include all fires. Other landowners or forest landowners are paying the bills for these fires and for no fault of their own. This bill will help to recover costs. Concludes testimony.

Tape 4B

30 Chair Kintigh: Hearing closed. Work session opened.

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33 Sen. Hartung: How long has the fireworks law been in effect?  
35 Mr. Gibson: 1985

49 Sen. Hartung: Does it work well? Does this law include buildings?

51 Mr. Gibson: The bill is designed to allow fire districts to recover some of their losses.

Most of the fires are brush fires, usually not including structures, buildings or homes.

68 Sen. Dwyer: If we can we have the "un-emancipated children" bill wording to include

"incorrigible children," that would suit me. "Otherwise I will not support it."

69 Sen. Shannon: Obedient children are not the ones that start fires intentionally.

71 Sen. Dwyer: Responds.

83 Sen. Hartung: Respectfully disagrees with Sen. Dwyer. "I think it's poor policy to get off the hook because a child is incorrigible."

90 Sen. Johnson: Respectfully disagrees with Sen. Dwyer. The State cannot raise children

well and should not be responsible for their upbringing, the parents are responsible.

95 Sen. Dwyer: Will save further debate for the for the floor.

100 Chair Kintigh: What should the committee do?

105 Sen. Dwyer: I would like to wait a few days to restructure the wording relating to the children that are not controllable.

113 Chair Kintigh: Close the work session. Decides to hold over and will discuss this item in the near future then make a decision. Referring back to the work session on Bill 132, asks Sen. Johnson for his vote.

130 Sen. Johnson: Appreciates the opportunity to vote on this issue. Votes "Yes."

Roll call vote: All senators vote unanimously in favor of passing Bill 132 on.

135 Chair Kintigh: Meeting adjourned 4:10 P.M.

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Submitted by: Reviewed by, , <

Catrina Victor ~R~e McIntosh  
Committee Assistant ~Committee Administrator

EXHIBIT SUMMARY:

A-Oregon Department of Geology and Mineral Industries- Senate Bill 132

B-Department of Agriculture- Senate Bill 156

C- Booklet from the Department of Forestry- Senate Bill 158

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