

Section 4 (3) was added, not in response to any known present federal or state law which would require adoption of local ordinances or rules for strict compliance, but in the event we were unaware of any or that there might be future provisions. This may also give some comfort to local governments that if there are pesticide laws that need to be enacted at the local level because of state or federal regulations, they can do that.

Expresses support for HB 2612-4 amendments. Believes all involved in the drafting are also supportive.

130 Sen. Dwyer: Asks if HB 2612 will grandfather existing ordinances.

132 Witt: No. Any ordinances in conflict with the bill could not be enforced.

171 Sen. Hartung: Reviews a fax he received from United Sewerage Agency (USA) asking how the state would deal with a case of specific localized water quality control problem. Asks Witt to clarify.

180 Witt: Current law clearly gives the Department of Agriculture the authority to regulate the sale or use of any pesticide in the state for health or environmental reasons. HB -2612 would not stop that. HB 2612 only deals with local regulation. Want regulation to take place, or at least be controlled, at the state level.

208 Sen. Dwyer: Asks if a local government can adopt an ordinance that restricts the use of a pesticide beyond what the Department of Agriculture can do.

215 Witt: Only through the Dept. of Agriculture in consultation with DEQ, Health Division, and other services that could make the right assessment.

If local jurisdictions wish to restrict a pesticide they can present a proposal to the Department of Agriculture for consideration.

255 Sen. Dwyer: Asks who regulates forest spraying.

270 Witt: That is clarified through the Forest Practices Act.

280 Sen. Dwyer: Expresses his concerns and says he will not support the bill.

294 Witt: We do not allow local governments to approve pharmaceuticals because they do not have the capability or resources to do adequate toxicological investigations on pharmaceuticals and they do not have the resources to do that on pesticides.

The state has facilities and mechanisms to allow meaningful and scientifically valid monitoring and determinations to be made and if there are unacceptable risks there are mechanisms in place by which those activities can be further regulated.

Believes the issue deserves to have protection from regulation which has no rhyme or reason in science but is based on emotion.

339 Sen. Hartung: Refers to USA's concern that HB 2612 would be applied as a uniform statewide system and their suggestion to take "uniform" out because if a local jurisdiction had a problem that would require banning a pesticide, the "uniform" requirement would be applied statewide.

379 Phil Ward: Department believes that ORS 634.016 gives the department authority to restrict or limit the manufacture or delivery, in any locality

in which there is a proven need to do so.

HB 2612 would not require the department to have exactly the same regulation of pesticides around the state. It is critical that the department be able to deal with areas of specific scientific concern. Do not believe HB 2612 would impair that ability.

Department does not believe that removing the word "uniform" would create a problem.

390 Chair Kintigh: Asks if the department could ban methylbromide in Eugene if there was a good scientific reason to do so.

400 Ward: Yes.

402 Witt: The use of "uniform" in the bill states a goal rather than a statutory requirement. States advantages of uniform statewide policy.

Tape 97A

001 MOTION: SEN. DWYER: Moves adoption of the HB 2612-4 amendments (EXHIBIT C).

003 VOTE: Without objection, Chair Kintigh declares amendment adopted.

010 MOTION: CHAIR KINTIGH: Moves HB -2612, as amended, to the floor with a "DO PASS" recommendation.

014 VOTE: 4-0. MOTION CARRIED.
AYE: Hartung, Johnson, Shannon, Kintigh
NO: Brecke, Dwyer
Sen. Shannon to carry.

025 Sen. Dwyer: Gives vote explanation.

030 Sen. Shannon: Gives vote explanation. Believes there are times when education is needed to fully understand an issue.

040 Sen. Brecke: Gives vote explanation. Voted no because she has a pesticide license.

045 Closes WORK SESSION on HB 2612

055 Opens PUBLIC HEARING on HB 2006

Witnesses:

Robert MacKostie, Deschutes Valley Water District
Mike Grainey, Department of Energy

065 Robert MacKostie: Summarizes history of facts leading to HB 2006, paraphrasing written testimony (EXHIBIT G).

118 Sen. Dwyer: Asks Department of Energy rationale that the law precluded them from allowing the district to pay off the bonds in question.

121 MacKostie: Explains.

131 Sen. Neil Bryant: This bill is designed to correct an injustice placed upon the users of the Deschutes Valley Water District by the Department of Energy. The savings should have been passed along to the district. Requests that an emergency clause be added so the loan may be refinanced immediately.

184 Mike Grainey: Testifies that the Department of Energy has no objection

to HB 2006 from written testimony (EXHIBIT F). Does not object to the emergency clause just requested.

200 MOTION: SEN. DWYER: Moves adoption of the "emergency clause" conceptual amendment.

204 VOTE: Hearing no objections, Chair Kintigh declares amendment adopted.

210 MOTION: SEN. DWYER: Moves HB -2006, as amended, to the floor with a "DO PASS" recommendation.

215 VOTE: 5-0. MOTION CARRIED.
AYE: Brecke, Dwyer, Hartung, Johnson, Kintigh
EXCUSED: Shannon
Sen. Bryant to carry.

236 Closes WORK SESSION on HB 2006

238 Opens PUBLIC HEARING on HCR10
With no witnesses to speak, Chair Kintigh moves to work session.

HCR10 Staff Measure Summary is submitted for the record (EXHIBIT E).

240 Opens WORK SESSION on HCR10

242 MOTION: SEN. DWYER: Moves HCR-10 to the floor with a "DO PASS" recommendation.

250 VOTE: 5-0. MOTION CARRIED.
AYE: Brecke, Dwyer, Hartung, Johnson, Kintigh
EXCUSED: Shannon
Sen. Johnson to carry.

Closes WORK SESSION on HCR10

260 Opens PUBLIC HEARING on HB 3111

Witnesses:

Dani Wilke, Oregon Veterinary Medical Association
Phil Ward, Department of Agriculture

HB 3111 Staff Measure Summary (EXHIBIT H) is submitted for the record.

265 Dani Wilke: Testifies in support of HB 3111, paraphrasing written testimony (EXHIBIT D).

280 Sen. Dwyer: Comments on personal experience.

313 Sen. Brecke: Asks if HB 3111 would excuse a veterinarian from having to have an applicator's license if they were also a farmer using pesticides in the field.

315 Wilke: No. The bill applies to the practice of veterinary medicine.

322 Ward: The Department supports HB 3111. Technically, the law now states that veterinarians must be licensed as pesticides applicators when they apply pesticides "for hire". Most substances used in flea shampoos, etc. are not restricted-use chemicals.

Reviews department policy which exempts veterinarians from the pesticide applicator requirement. Department planned to continue the policy but has no objection to HB 3111 which makes the law clear.

365 Sen. Dwyer: Asks if department would have a problem with amendment saying "persons licensed as veterinarians under ORS 686 who are engaged in the practice of veterinary medicine and the employee of such person in the course of their normal veterinarian functions or duties".

Wants to make sure we are not creating a class of applicators who works for a veterinarian and are applicators on the weekends of some chemical that may be under the department's control.

380 Ward: Would not object.

381 Wilke: Would not object. Believes that is already included in the bill.

410 Sen. Dwyer: Believes his proposed clarifying amendment is needed.

MOTION: SEN. DWYER: Moves conceptual amendment to clarify that bill applies to persons licensed as veterinarians under ORS 686 who are engaged in the practice of veterinary medicine and the employee of such person in the course of their normal veterinarian functions or duties. Further moves addition of emergency clause.

VOTE: Without objection, conceptual amendment is adopted.

430 MOTION: SEN. DWYER: Moves HB 3111, as amended, to the floor with a "DO PASS" recommendation.

435 VOTE: 5-0. MOTION CARRIED.
AYE: Brecke, Dwyer, Hartung, Johnson, Kintigh
EXCUSED: Shannon
Sen. Dwyer to carry.

450 McIntosh: Asks Senators Brecke and Dwyer if they wish to be listed as non-concurring on HB 2612.

460 Senators Brecke and Dwyer indicate they do.

Chair Kintigh: Adjourns meeting at 4:05 PM

Transcribed by,

Pat Zwick

EXHIBIT SUMMARY:

A-HB 2612-Staff Measure Summary-Staff-1 page
B-HB 2612-Testimony-E. Lewis-1 page
C-HB 2612-HB 2612-4 Amendment-Staff-1 page
D-HB 3111-Testimony-D. Barrows-1 page
E-HCR10-Staff Measure Summary-Staff-1 page
F-HB 2006-Testimony-M. Grainey-1 page
G-HB 2006-Testimony-R. MacRostie-2 pages
H-HB 3111-Staff Measure Summary-Staff-1 page
I-HB 2006-Staff Measure Summary-Staff-1 page