

SENATE COMMITTEE ON
AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENT

May 8, 1995 Hearing Room
1:00 P.M. Tapes 99, 100, 101A

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair
Sen. Brenda Brecke
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: HB 3094 - Work Session
 HB 2177 - Public Hearing and Work Session
 HB 2895 - Public Hearing

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

Tape 99, A

003 Chair Kintigh: Calls meeting to order at 1:08 P.M.

004 Opens PUBLIC HEARING on HB -2177

Witnesses:

Phil Ward, Department of Agriculture
Eric Lindaur, State Board of Agriculture
Gerry Bieberle, Oregon Fryer Commission
John McCulley, Oregon Cattlemen's Association
Dave Nelson, Oregon Quarter Horse Association, Oregon Dairy Farmers'
Association
Dan Moisen, Oregon Dairy Farmers' Association
Dani Wilke, Oregon Veterinary Medicine Association

HB 2177 Staff Measure Summary is submitted for the record (EXHIBIT A).

005 Phil Ward: Reviews provisions of HB 2177 from written testimony, states importance of the bill to the department and the state's animal industry, and submits letters in support of the bill from various interested parties (EXHIBIT B).

Written testimony from the Tillamook County Creamery Association is submitted for the record (EXHIBIT C).

052 Eric Lindauer: State Board of Agriculture feels HB 2177 is important to

the department and the animal industry to continue Oregon's reputation of being free of diseases affecting the animal industry. Requests support of HB -2177.

072 Sen. Hartung: Asks effect on quality of livestock if HB 2177 does not pass.

078 Ward: Without the bill, department staff would be reduced by four more individuals. If we lost those people the quality of work would also decrease. Program has suffered significant budget cuts over the years and gone from a staff of over 20 in 1983 to 15 today. Governor's proposed budget includes 12 staff for this program. Speaks of potential impacts on livestock industry.

Believes private veterinarians are very important in keeping the state free of animal disease but believe it is important for state government to be involved in certain functions, including the epidemiology related to disease.

106 Sen. Dwyer: Asks when fees came into effect and how the department funded the program before that time.

111 Ward: Fees were established in 1991. Prior to that time the program was 100% funded by the General Fund.

125 Gerry Bieberle: Testifies in support of HB 2177 from written testimony (EXHIBIT D).

142 John McCulley: Testifies in support of HB 2177, paraphrasing written testimony (EXHIBIT E).

170 Dave Nelson: Expresses support of Oregon Quarter Horse Association and Oregon Dairymen's Association for HB 2177.

180 Don Moisen: Testifies in support of HB 2177 and urges the committee's support of the bill.

213 Dani Wilke: Oregon Veterinary Medicine Association. Testifies in opposition to HB -2177. Reviews the 1991 establishment of the fee and the association's opposition at that time.

Reviews areas of concern:

>A pharmaceutical company may refuse to sell medication in Oregon because of the fee.

>We have not had the dialog that we were supposed to have in the interim to sort out the areas of concern.

The association supports the program but is trying to find a better way to run it without the fee.

Asks that the sunset clause be reduced to a two year sunset if the bill passes out of committee.

341 Sen. Kintigh: Asks if veterinarians have experienced a shortage of veterinary medicines or if the fee works a hardship on veterinarians.

360 Wilke: Is not aware of medicines being unavailable and the fee is passed on to consumers who buy products for pets to subsidize the livestock industry.

380 Close PUBLIC HEARING on HB 2177

389 Sen. Dwyer: Reviews history of how the fee came about and the cost shift from the General Fund to user fees. This was initially a temporary means to find funding.

420 Opens WORK SESSION on HB 2177

430 MOTION: SEN. DWYER: Moves to amend the sunset date to 1997 from 1999.

VOTE: 4-2. MOTION CARRIES
AYE: Brecke, Dwyer, Hartung, Johnson
NO: Shannon, Kintigh

Tape 100, A

020 MOTION: SEN. DWYER: Moves HB 2177 AS AMENDED to the floor with a DO PASS recommendation.

025 VOTE: 6-0. MOTION CARRIES.
All members present.
Sen. Hartung to carry.

032 Closes WORK SESSION on HB 2177

032 Opens PUBLIC HEARING on HB 2895

Witnesses:

John Charles, Oregon Environmental Council
Lydia Taylor, Department of Environmental Quality
Liz Frenkel, Sierra Club
Rep. Patti Milne
Sen. Stan Bunn

HB 2895 Staff Measure Summary is submitted for the record (EXHIBIT F).

033 John Charles: Reviews work of Air Quality Task Force in the 1991-92 Interim.

Submits written information concerning air pollution (EXHIBIT G).

Council opposes HB 2895 if it is looked at in isolation. Reviews reasons.

078 Proposes amendment to HB 2895 and reviews proposed amendment and information in (EXHIBIT G).

160 Charles: In response to question from Sen. Brecke concerning effect of emission fee effect on poorer households; poorer people do less driving than those with money and some do not drive at all.

170 Sen. Brecke: People with lower incomes are usually are the ones that own cars that pollute.

187 Rep. Leslie Lewis: Reviews the provisions of HB 2895 and it's intent.

Reviews DEQ's actions and recommendations to include Yamhill and Columbia counties in their expanded vehicle inspection program and perceived flaws in DEQ's proposal.

Has been negotiating with DEQ to develop language that meets with DEQ approval. Submits 5/1/95 memo from Greg Green of DEQ (EXHIBIT J). Reviews options in the memo. Currently favors Option 3 but would like more time to consider the proposal.

275 Chair Kintigh: Asks Rep. Lewis to return to the committee with proposed amendments on Wednesday.

278 Sen. Stan Bunn: Is concerned with the approach DEQ has taken. Will wait for information he requested from DEQ before deciding whether or not to introduce legislation.

Submits written testimony in support of HB 2895 (EXHIBIT I).

334 Rep. Patti Milne: Agrees with Sen. Bunn's testimony.

Paraphrases written testimony in support of HB 2895 (EXHIBIT H).

387 Sen. Hartung: Respectfully disagrees with Representatives Lewis and Milne and Senator Bunn.

Expresses his opinions on expansion of emission control area.

Tape 99, B

010 Sen. Bunn: Does not disagree with Sen. Hartung. Speaks of geographical limitations of Newberg.

025 Rep. Lewis: Speaks of small number of vehicles from Yamhill county potentially affecting the Portland air shed. Believes Portland needs to design strategies that will actually clean Portland's air. Comments on expanded vehicle testing boundaries.

048 Sen. Shannon: Agrees with Representatives Lewis and Milne and Senator Bunn, but feels the agency exceeded legislative intent in rule making and the legislature should correct that.

060 Sen. Joan Dukes: Speaks of Scappoose's experience and treatment by PUC concerning extended area telephone service as it relates to DEQ's treatment of Columbia County.

Suggests other ways to deal with Portland's air quality problems.

093 Lydia Taylor: Portland area needs an air quality maintenance plan to allow economic growth in the metropolitan area and to prevent federal sanctions or the imposition of more stringent technologies on Oregon industries.

Reviews components of strategy to maintain clean air for the next ten years. Vehicle inspection program is most cost effective per ton strategy.

Boundary expansion adopted by the Environmental Quality Commission was directed by the legislature. A reduction in the boundary means that another "credit" has to be found to meet air shed requirements for the next ten years.

Believes HB 2895 would be better served by examining it in concert with HB 3448.

3/29/95 Memo from Rep. Federici in support of HB 2895 is submitted for the record (EXHIBIT K).

116 Liz Frenkel: Testifies in opposition to HB 2895 reading written testimony (EXHIBIT L).

177 Closes PUBLIC HEARING on HB 2895

181 Opens WORK SESSION on HB 3094

Witnesses:

Ray Munroe, Pacific City Crabber
Paul Hanneman, Dungeness Crab Vessel Owners Association
Nick Rusinovich
Neil Connan, ODFW
Katy Eymann, Oregon Crab Fleet

181 Chair Kintigh: Asks committee to review HB 2895-A8, -9, -10, -11, and -12 amendments (EXHIBIT M).

208 MOTION: Sen. Brecke: Moves adoption of the HB 3094-A8 amendment (part of EXHIBIT M).

220 VOTE: Chair Kintigh: Hearing no objection, amendment is adopted.

222 Sen. Dwyer: Reviews provisions of HB 3094-A6 amendment which is intended to recognize that small boats are not a danger to the fishery.

Would not oppose HB 3094-A9 amendment.

Comments on issue and small boat fleet.

273 Sen. Brecke: Comments on additional amendments needed.

298 Sen. Dwyer: HB 3094-A6 amendment adds 29 boats and the HB 3094-A9 amendment adds 36 boats under 26 feet.

325 Ray Munroe: Supports adoption of HB 3094-A6 amendment. Believes HB 3094-A6 includes 29 vessels.

341 Sen. Dwyer: Worries about people who would be excluded without HB 3094-A6 and A9.

360 Bruce McIntosh: Reviews differences between HB 3094-A6 and A9 amendments.

390 Sen. Dwyer: Asks for clarification of the transferability of permits.

430 MOTION: Sen. Dwyer: Moves adoption of the HB 3094-A9 amendment.

VOTE: Without objection amendment is adopted.

Tape 100, B

020 Sen. Dukes: Provides and reviews provisions of HB 3094-A13 amendment (EXHIBIT N) and responds to questions from committee members.

Submits hand-engrossed HB 3094-A (EXHIBIT P).

170 McIntosh: Submits "Policy Issues for HB 3094-A" and HB 3094-A6, A7, A8, A9, A10, A11, A12, and conceptual A13 amendments (EXHIBIT O).

Reviews provisions of the HB 3094-A12 amendments and concerns addressed by the amendment.

Reviews provisions of and differences between HB 3094-A7 and A11 amendments.

224 Sen. Johnson: Asks who proposed the amendments.

241 McIntosh: Lists the individuals who submitted the amendments and the groups they represent.

242 Chair Kintigh: Reviews alternative proposal (EXHIBIT Q).

Asks if there is support for the alternative proposal (EXHIBIT Q).

312 MOTION: CHAIR KINTIGH: Moves adoption of HB 3094-A7 amendment.

Committee discusses proposals and options.

360 Paul Hanneman: Comments on HB 3094-A7 amendment which is acceptable to the Association.

387 Nick Rusinovich: HB 3094-A7 would incorporate 30 vessels for certain, with need to investigate whether another 59 vessels had ten years of Oregon licensing. Boat size would be from 26 to 80 feet.

In response to question from Sen. Shannon, states that crab season generally starts December 1, depending on the condition of the crab, and extends to August 14 of the following year.

400 Chair Kintigh: Asks what the committee wants to do.

Committee discusses options.

Tape 101, A

009 Sen. Johnson: Asks for clarification of the number of boats to be let in by the HB 3094-A7 amendments.

025 Rusinovich: 30 boats would certainly be brought in, with another 59 possible. Not all of the 59 would be eligible because of licensing requirements.

Two criteria need to be met with the HB 3094-A7 amendment; the vessel needs to have landed 10,000 pounds of Dungeness crab in any crab season, and the vessel would have to have been licensed in Oregon for ten years or more.

Has been talk that vessels that came into the fishery late, did so on speculation to acquire the permits in order to sell the permits for a windfall profit. As a concession of good faith, if the committee were to adopt HB 3094-A7 and make the permits non-transferable, except to a replacement vessel, or upon the sale of the vessel, that would show that we just want to continue fishing with our vessels. We do not want a permit to sell.

050 Sen. Johnson: Reviews provisions of HB 3094 and HB 3094-A7 provisions.

Sought Rep. Tarno's input on this bill and leans toward his opinions.

Further discussion of number of boats eligible under HB 3094.

098 Neil Connan: Clarifies number of the boats that would qualify under the proposed amendments and which boats would be excluded.

Believes 50 vessels will be added with the HB 3094-A7 amendment.

121 Katy Eymann: Clarifies HB 3094-A7 amendment and comments on number of out-of-state boats.

141 Sen. Johnson: If we are trying to protect the Oregon crabbers, I feel we are not doing that effectively with these amendments.

172 VOTE: 2-4. MOTION FAILS
AYE: Johnson, Kintigh
NO: Brecke, Dwyer, Hartung, Shannon

197 Comments from unidentified person in the audience.

Comments on issue from committee members.

210 Connan: Proposes following amendments to HB 3094-A:
>On page 2, section 5, (3), line 33; delete "prior"

Explains reason for proposal

>On page 3, section 6, (1), line 1; delete "qualifications", and insert "provisions" to give the commission more discretion and flexibility to deal with details in the rulemaking process.

250 MOTION: Chair Kintigh moves adoption of conceptual amendment proposed by Oregon Department of Fish and Wildlife.

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

254 MOTION: Senator Dwyer moves HB 3094, as amended, to the floor with a DO PASS recommendation.

VOTE: 5-1 MOTION PASSES.
AYES: Brecke, Dwyer, Hartung, Shannon, Kintigh
NAYS: Johnson
Sen. Brecke to carry.

Chair Kintigh: Adjourns meeting at 3:22 PM

Transcribed by,

Pat Zwick

EXHIBIT SUMMARY:

A-HB 2177-Staff Measure Summary-Staff-1 page
B-HB 2177-Testimony-Phil Ward-5 pages
C-HB 2177-Testimony-Mike Simms-1 page
D-HB 2177-Testimony-J. Bieberle-1 page
E-HB 2177-Testimony-J. McCulley-1 page
F-HB 2895-Staff Measure Summary-Staff-1 page
G-HB 2895-Testimony-J. Charles-6 pages
H-HB 2895-Testimony-L. Lewis-1 page
I-HB 2895-Testimony-S. Bunn-2 pages
J-HB 2895-Testimony-P. Milne-1 page
K-HB 2895-Testimony-T. Federici-3 page
L-HB 2895-Testimony-L. Frenkel-2 pages
M-HB 3094-HB 3094-A8, A9, A10, A11, A12 amendments-Staff-5 pages
N-HB 3094-HB 3094-A13 Amendment-J. Dukes-1 page
O-HB 3094-Policy Issues and Proposed Amendments-Staff-10 pages

P-HB 3094-Hand-Engrossed Bill-J. Dukes-4 pages
Q-HB 3094-Option Paper-Staff-1 page