

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

June 9, 1993 Hearing Room D 3:30 p.m. Tapes 106 - ?

MEMBERS PRESENT: Rep. Liz VanLeeuwen, Chair Rep. Ray Baum Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep. Dennis Luke Rep. Bill Markham Rep. Chuck Norris

MEMBER EXCUSED:

VISITING MEMBER:

STAFF PRESENT: Catherine Fitch, Committee Administrator Sue Nichol, Committee Clerk

MEASURES CONSIDERED:

HB 3087 HB 2241 SB 255 SB 542

WITNESSES:

[--- Unable To Translate Graphic ---]

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. [--- Unable To Translate Graphic ---]

TAPE 106, SIDE A

005 CHAIR VanLEEuwEN: Calls the meeting to order at 3:44.

PUBLIC HEARING ON HB 2241

011 CATHERINE FITCH: HB 2241 prohibits restrictions in property transfer documents that require use of certain roofing materials on structures in high fire risk areas. Amendments have been proposed which(Exhibit

A).

039 REP. DELL: Is comfortable with the language. 042 bf How does this ????

044 BRUCE ANDERSON, Oregon State Homebuilders Association: The new amendments would answer the concerns of the roof being fire resistant

while still maintaining the aesthetic integrity of the area.

048 sd

060 ANDERSON:

063 sd All we're talking about

064 ANDERSON:

067 ?ED DANIELS, Oregon Department of Forestry: My understanding is that the language only considers fire rating, and not any other ./...

WORK SESSION ON HB 2241

082 motion: sd:

095

102

102 REP. DOMINY will carry the bill.

106 lv Closes work session on HB 2241.

PUBLIC HEARING ON HB 3087

124 FITCH: HB 3087 would require compensation of private landowners for loss of value. ?????? The amendments would delete ??????? as a compensatable activity.

They would also deny compensation unless the landowner owned the land for five years (Exhibit B).

158 sd Has the fiscal impact statement changed?

162 FITCH: No.

171 ANNE SQUIER, Governor Roberts Natural Resource Advisor: There is considerable concern on the These regulatory agencies would not be able to carry out there tasks without adequate funding.

207 cn Is there any concern for the individuals impacted by these agencies from the Governor?

215 SQUIER: My points was that there was a balance between private rights and public good. If there is a change in that balance, that should be

changed legislatively.

230 sd Is there any way you can see to help mitigate individual's losses?

244 SQUIER: I'm not prepared to give solutions. Incentives could be offered instead of mandates.

261 bf This still allows private rights to be taken away, it just puts a price on that.

271 SQUIER: A property right is limited by certain concepts.

293 bf The state also has the ability to say no. If they can't pay for it, they don't have to do it. /????????????????

303 SQUIER: My point is that directing the agencies to pay, when that action was ??????????//

325 bf If we look at those substantive ?????/

338 bm The point is that the agencies, who are appointed, are overly aggressive in these actions.

353 tj I do know people have been hurt by regulations that benefit society. I don't think it's a bad policy to make the public pay. We

ought to put some money in this bill.

373 SQUIER:

377 tj If we had a funding source, then the regulatory agencies would have to evaluate their takings. Wouldn't that answer some of the

accountability concerns?

TAPE 107, SIDE A

001 SQUIER: We would still have to evaluate, in each case, what the impact on the landowner would be and guess ???/

014 bf Would the people who want these benefits want to fund them?

021 SQUIER: These actions are not constitutional takings.

029 bf Until a person loses \$50,000 of timber ?????

035 lv This bill is a regulatory compensation bill. It is not a "takings" bill.

052 md ?????

071 SQUIER: The root of the concern is that the ???? at the same time the agency has to assess the degree of loss of value for each landowner

before a regulation is made.

084 REP. MARKHAM: It is 112 SQUIER: The Board of Forestry is discussing ways of accomplishing goals through incentive instead of regulation.

132 lv They didn't introduce any legislation to help that along?

134 SQUIER: No.

138 REP. MARKHAM: What does ??? do?

142 REP. DOMINY: It was the Forest Practices Act that said

148 JIM KEESEY, Sierra Club: Reads testimony in opposition to HB
308 7 (Exhibit C).

222 REP. FISHER: Are you saying that as

231 KEESEY: I believe this is being stated as someone who wants the
entire body politic to benefit.

247 lv Are you speaking as a person ??

262 KEESEY:

274 lv You mean to say that the person who had gone to the
expense of raising a crop should get no compensation if that crop value
has been

taken away?

285 KEESEY:

289 bf Are you a property owner that you have volunteered for other
public use.

290 KEESEY: I own property in West Salem. I haven't ...

299 bf A buch of these things has nothing done

314 KEESEY:

319 JIM MYRON, Oregon Trout: Reads testimony in opposition to HB
308 7 (Exhibit D).

374 sd Closes public hearing on HB 3087.

PUBLIC HEARING ON SB 255

394 FITCH: SB 255 provides that if agricultural servide lienholder
fails to notify holder ofperfected security interest, than the
amount of

agricultural service lien in excess of \$20,000 becomes subordinat to
previosuly perfected security interest (Exhibit E).

TAPE 107, SIDE B

014 FRANK BRAWNER, Oregon Bankers Association: Reads testimony is
support of SB 255 (Exhibit F). Explains bill using diagrams on
blackboard.

085 tj What does "perfected" mean?

087 BRAWNER: Explains what "perfected" means.

097 REP. DOMINY: "Priority" means who gets money back first?

102 BRAWNER: Correct. Current law is not changed concerning liens
under \$20,000. The ag lienholder loses priority if notice is not given.

138 bf

140 BRAWNER:

168 REP. JOSI: The extra penalty is that the lienholder loses
priority?

170 9 BRAWNER: Yes.

173 REP. DOMINY:

179 BRAWNER: It is a penalty that should get everyone's attention.

186 cn How will the ag service supplier know that the bank has a
security interest?

190 BRAWNER: It will be on their credit application and the
Secretary of State's office would have it on file.

198 cn

208 BRAWNER:

227 REP. JOSI: Is the \$20,000 is the aggregate?

228 BRAWNER: Yes.

248 REP. FISHER: This would spot someone who was overextended?

257 BRAWNER: This would give us an early warning.

276 lv Closes public hearing on SB 255.

PUBLIC HEARING ON SB 542

285 FITCH: (Exhibit G). 296 SEN. BOB KINTIGH, District 14:

336 REP. JOSI: Is this bill really necessary? It sounds like
this philosophy is in their management plan.

340 SEN. KINTIGH: It would give security to the hardwood industry.

357 REP. MARKHAM: The State Forestry Department is doing this now?

364 SEN. KINTIGH: Yes.

367 cn Were hardwoods indigenous to us?

372 SEN. KINTIGH: They are indigenous.

387 cn They should not be mixed then?

390 SEN. KINTIGH: It has been tried, but it requires intensive
management.

TAPE 107, SIDE B

006 Another problem with alder is that so much of it is in riparian
areas.

013 RAY CRAIG, Oregon Department of Forestry: Will answer questions.

018 REP. DOMINY: Do we need the bill?

020 CRAIG:

025 It is not just bad management that has included alder in ????

034 lv Closes work session on SB 542.

WORK SESSION ON SB 542

047

PUBLIC HEARING ON SB 255

061 JOHN McCULLY, Ag. Co-op Council: Testifies in favor of SB 255
?????. Also expresses support from Walt Powell for the bill.

084 lv Closes public hearing on SB 255

WORK SESSION ON SB 255A

102 lv Closes work session on SB 255 A.

Meeting is adjourned at 5:15.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - Testimony on HB 2020 - name - # pages B - Testimony
on HB 2020 - name - # pages C - Amendments to HB 2021 - name - #
pages