

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE

February 24, 1993 Hearing Room D 3:30 p.m. Tapes 15 - 16

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

MEMBER EXCUSED: Rep. Ray Baum

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

MEASURES CONSIDERED:

HB 2211 - Public Hearing HJM29 - Public Hearing

WITNESSES: Phil Ward, Department of Agriculture Chuck  
Craig, Department of Agriculture Steve Crane, DEQ Dave Nelson, Oregon  
Seed Council Liz Frankel, Sierra Club Benjamin Stout, Rep. VanLeeuwen's  
Staff Member Greg Miller, Oregon Forest Industries Council

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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 15, SIDE A

005 CHAIR VanLEEuwEN: Calls the meeting to order at 3:35.

PUBLIC HEARING ON HB 2211

013 CATHERINE FITCH: The preliminary staff measure summary Exhibit A  
refers to original bill which allows the Department of Agriculture to  
designate smoke management districts. It requires DEQ to pay \$.75/acre  
of urn fee to county or district and clarifies open burning as "fourth  
priority"

type of burning. Also submits fiscal analysis for the record Exhibit B.

026 PHIL WARD, Department of Agriculture: Much progress has been  
made towards phasing down open field burning for Oregon, as the 1991  
law

requires. HB 2211 makes some changes to make this phase-down effective.  
Summarizes testimony (Exhibit C).

081 Submits hand engrossed version of HB 2211 with amendments

proposed by the Department (Exhibit D).

088 CHAIR VanLEEuwEN: How did you arrive at the engrossed version?

090 WARD: It is an attempt to satisfy the concerns of the Oregon Seed Council Legislative Body.

096 CHAIR VanLEEuwEN: But the members of that council haven't all approved this version, have they?

099 WARD: It is my understanding that the Seed Council was aware of these changes and approved them.

100 CHUCK CRAIG, Department of Agriculture: Has a problem with stack burning in that they're losing about \$50,000 a year on it. Because

there is no registration fee, but fire districts still have to be paid \$.81 per acre for each acre registered, money is lost to the Department of Agriculture.

120 Because there is no registration fee, a lot of extra acreage is registered that is not burned.

141 REP. LUKE: What is stack burning?

144 CRAIG: Open field burning is when the full straw load stays on the field and is burned.

Propane flaming is when the straw is removed and the remaining stubble is flamed with a mobile flaming device.

Stack or pile burning is the burning of big piles of straw as a means of disposing of it.

160 REP. MARKHAM: Who sets the fee you pay the fire district?

164 WARD: It is set in statute.

170 We believe there was an oversight when HB 3343 was drafted that left out the registration fee for stack burning.

The solution would not be to charge a fee, but would be to not require registration for stack burning.

187 REP. MARKHAM: How do you make up the loss?

190 CRAIG: We propose not to require registration for stack burning, but to pay permit agents for issuing permits on an as-burned basis. That would be approximately \$.75 cents per acre.

198 CHAIR VanLEEuwEN: Where did the money that was lost come out of?

200 WARD: That money comes out of the research fund which was funded by grower fees and state lottery dollars.

209 REP. MARKHAM: What if you don't get lottery money?

210 WARD: Grower fees would be used.

215 REP. DOMINY: How much lottery money do you receive?

217 WARD: \$1 million over the biennium.

220 REP. DOMINY: What is the Governor's proposed budget?

225 WARD: The proposed budget is the same for the coming biennium.

233 REP. DOMINY: If lottery money was all lost, what would be the impact on research?

240 WARD: Any of the grower fees not required to administer the program could be used for research. As the acreage goes down, so do the grower

fees.

253 REP. DOMINY: How much of grower fees were used?

266 CRAIG: \$500,000 for the biennium goes into research. The total annually from fees is a little over \$1 million.

270 CHAIR VanLEEuwEN: So your net loss actually just reduced the amount that went to research. That amount wasn't actually lost.

275 CRAIG: Yes, that's correct.

279 The issue of equity of payment to permit agents is an area of concern. Because the payment schedule is fixed, some inequities are developing.

295 REP. JOSI: What is a permit agency?

298 CRAIG: We contract, usually through a fire protection agency, for the field burning registration and permit issuing. They collect fees,

register the acreage to be burned, and issue permits. In exchange for this service, we pay them a set fee.

312 Gives example of inequity between two fire districts.

367 This is remedied in (f) on page 4 of the hand engrossed copy of HB 221 1. 374 REP. DOMINY: What parameters would you be setting for rates?

386 WARD: The people who perform the task must be paid adequately.

397 REP. DOMINY: What if too much is taken from farmers?

400 CRAIG: The rate charged to farmers is fixed.

TAPE 16, SIDE A

011 CHAIR VanLEEuwEN: Who is losing money?

026 CRAIG: Explains changes in hand engrossed bill.

060 STEVE CRANE, DEQ: Explains the necessity to include the words "including agricultural open burning" to line 12, page 2.

This does not address the issue of burning orchard trimmings.

087 CHAIR VanLEEuwEN: Need a definition on what is meant by agricultural open burning.

091 CRAIG: Further explains the amendments. Changing April to May gives farmers more time to register.

The change is line 40 changes the time when the fee must be paid.

Page 3, lines 5 - 9 converts the fee for stack burning to a per ton basis. When straw is not in the possession of the grower it may be difficult to determine the field (hence the acres) it came from.

128 REP. FISHER: Is this a reasonable conversion?

133 CHAIR VanLEEuwEN: The conversion is variable depending on different factors.

134 REP. FISHER: Won't this figure vary?

161 REP. DOMINY: It would be the same rate per ton no matter what type of straw it is?

CRAIG: Yes.

169 REP. DOMINY: Will new administrative rules need to be written, and will that cost be reflected in this bill?

176 CRAIG: No.

178 REP. DOMINY: Then what is the advantage to the agency?

182 WARD: This was to make it possible to assess people who have taken the straw off the property.

200 REP. DOMINY: Then why change the rules for people who will burn it on their property?

204 WARD: Believes consistency is important.

218 CHAIR VanLEEuwEN: How big is this problem?

220 CRAIG: Can't tell how often this happens, but it does happen.

232 CHAIR VanLEEuwEN: If it's moved off of my field and I've already paid the registration fee and fee to propane that field, what happens now?

234 WARD: This just addresses them burning the straw in stacks, it doesn't change anything in the relationship.

236 CHAIR VanLEEuwEN: What about this mobile straw, how is it

different from anything else?

238 WARD: This straw can be identified by how many tons it is.

253 REP. DOMINY: Wouldn't it be possible for you to be receiving the money for burning twice?

263 WARD: The law requires a fee for propane flaming or stack burning. There would be a separate fee as the law now stands.

292 REP. JOSI: How do you determine how many tons are in a stack? When straw changes ownership, who pays for the burning?

311 CRAIG: Tonnage is estimated.

326 WARD: Permit agencies usually have a good idea of what's going on in their area.

335 CRAIG: Who pays would be determined by the agreement worked out. The person who was permitted to burn it would pay.

348 REP. NORRIS: Couldn't both criteria (tonnage and acreage) be considered?

362 CRAIG: Yes, that could be worked out.

388 Further explains amendments.

TAPE 15, SIDE B

033 REP. DELL: What don't growers like about new districts?

037 WARD: A grower can answer that better. 045 DAVE NELSON, Oregon Seed Council: Thought this was a pretty decent bill. These changes will be useful as burning is phased out.

081 The number of burning permit agencies has been reduced from 70 down to 30. That phasing down should continue.

091 Also concerned about rule-making issue.

107 CHAIR VanLEEUEWEN: Even at the new proposal date, growers don't know specifically what to do. Are the fees \$2 for open burn, \$1 for propane, and no fee for stack burn, currently? What would happen if bill didn't

go further?

121 NELSON: Some complications would occur.

130 People are suspicious of field burning legislation.

135 There would be no great catastrophes if the bill wasn't passed, but I believe it would be useful.

140 REP. DOMINY: Are you speaking of the amendments?

143 NELSON: Agrees with the bill with amendments, disagrees with the original bill.

209 REP. FISHER: What is the burning season?

210 NELSON: The first of July through the end of September.

220 REP. FISHER: Can't fees be done away with for stacks?

232 NELSON: The politics of the idea wouldn't allow it. Wouldn't be able to get it through the Senate.

253 REP. DELL: Who are "other affected parties"?

260 NELSON: This could be broadly construed.

285 REP. NORRIS: Is there any effect of phase-down on yield and disease condition?

296 NELSON: Weed control has been the biggest problem. Research is being done. Last year's yield was off because of a short crop year due to

weather conditions and some drop because of prices.

PUBLIC HEARING ON 2211 CLOSED

PUBLIC HEARING ON HJM29

347 CATHERINE FITCH: Gives preliminary staff summary of HJM 29 which memorializes the U.S. Congress to substitute for "best available

science," the phrase, "sound, verifiable science" (Exhibit E).

370 REP. MARKHAM: Do we have the same language in the state environmental law?

375 CHAIR VanLEEUEWEN: Yes, and we have a bill in to clean that up.

378 FITCH: HB 2848 would address the state statute and it's being heard by this committee Friday.

386 LIZ FRANKEL, Sierra Club: Is not here to testify on this bill today, but will have someone on Friday to testify on both HB 2848 and HJM29

since the concept is identical.

TAPE 16, SIDE B

017 BENJAMIN STOUT, Volunteer on Rep. VanLeeuwen's Staff: Researched information on marbled murrelet. Of three pages of citations in the

Federal Register for October 1, 1992, only ten were from published, refereed journals. The rest of the reports were in-house reports of one kind or another.

037 In the listing of the marbled murrelet, there is no reference in any of the published information that the murrelet is any trouble. There are

no population measures.

056 Speaks in favor of the memorial.

058 REP. FISHER: Requests amendment inserting "only" before "sound".

069 REP. NORRIS: Inherent in the definition of science is the idea of verifiability and repeatability. Is there another way we can say this?

081 STOUT: Many things pass as "science" in the '90's.

084 GREG MILLER, Oregon Forest Industries Council: Would support something like this.

102 Mentions Elliot State Forest situation which is located on the coast. The forest is comprised of common school fund acres. Harvest level has

been changed because of spotted owl and marbled murrelet listings. The

Elliot, a classic second growth forest, can be managed for the owl.

Because there is almost zero information on the murrelet, it is

difficult to manage. Loss of timber volume has occurred because of this skimpy information.

142 REP. MARKHAM: Is the information on the murrelet the same as the owl?

151 STOUT: Has looked at some information regarding the owl. Has raised questions on the analyses. Has not been able to duplicate results. Is

not sure the best available science for the owl is that much better than the best available information on the murrelet.

172 Managed an acid rain research program. The best available science in that instance brought emotion but was not true science.

192 REP. FISHER: Gives example of information he had seen that was very sketchy. Is this typical?

206 STOUT: Yes.

PUBLIC HEARING CLOSED

Meeting adjourned at 5:15.

Submitted by:

Reviewed by:

Sue Nichol  
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2211 - Preliminary Staff Measure Summary - Catherine  
Fitch - 1 page B - HB 2211 - Fiscal Analysis - Catherine Fitch -  
2 pages C - HB 2211 - Testimony - Phil Ward - 2 pages D -  
HB 2211 - Hand Engrossed 2211 - Phil Ward - 4 pages E - HJM 29 -  
Preliminary Staff Measure Summary - Catherine Fitch - 1 page