

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

March 10, 1993 Hearing Room D 3:30 p.m. Tapes 24 - 26

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 2239 - Public Hearing HB 2241 - Public Hearing HB 2244 - Public
Hearing HB 2682 - Work Session

WITNESSES: Fred Robinson, Oregon Department of Forestry
Rick Gibson, Oregon Department of Forestry Pete Norkeveck, Oregon
Department of Forestry Ray Wilkeson, Oregon Forestry Industries Council
Mike Miller, Associated Oregon Loggers Julie Brandis, Oregon Small
Woodlands Association Gary Underwood, Office of the Fire Marshall Bob
Hall, Portland General Electric Diane Cowan, Oregon People's Utility
District Sandy Flicker, Oregon Rural Electric Cooperative Association
Jerry Murray, Public Utility Commission

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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 24, SIDE A

005 CHAIR VanLEEUEWEN: Calls the meeting to order at 3:45. 012
CHAIR VanLEEUEWEN: Turns meeting over to Vice-Chair Dominy.

009 FRED ROBINSON, Oregon Department of Forestry: Shows video
giving overview of fire suppression procedures of the Department of
Forestry.

Preventative measures such as fire-safe landscaping and tile roofs
helped homes survive the fire depicted on the video. Suggestions were
given to help homes survive fires.

306 REP. LUKE: Displays picture of the fire near Bend that was

depicted on the video.

318 The subdivision that was spoken of in the video had very low water pressure and they fined those who cleared land and grew grass.

PUBLIC HEARING ON HB 2239

342 ROBINSON: Gives testimony on HB 2239 which would raise the liability cap for forest operators fire suppression cost from \$300,000 to

\$500,000. It would allow forest protection associations to purchase supplies and contract with the Department of Forestry for services. It makes violations of certain forest use regulations a misdemeanor if HB 2244 does not pass and it allows the State Forester to set uniform standards for wildland fire training and education program. Summarizes testimony in Exhibit A. Amendments proposed by the Department of Forestry are contained in Exhibit B.

378 REP. FISHER: What are the chances of the person who started the fire being charged for fire suppression costs? What percentage of fires are

man caused?

389 ROBINSON: About half are man caused, half are lightening caused. Fires caused by campfires make up a significant portion of those fires caused by man.

TAPE 25, SIDE A

007 REP. FISHER: How many fires are traceable to the individual who caused them?

009 ROBINSON: We do try to find out who caused the fire and to collect fire suppression costs.

011 Rick Gibson, Oregon Department of Forestry: We do bill those who negligently started fires. We identify the responsible party in

approximately 90% of the human caused fires.

015 REP. FISHER: Is there a limit on a negligible fire?

020 GIBSON: No, the responsible party is responsible for the entire bill.

022 REP. LUKE: The fire near Bend was caused by a barbecue fire in a pit in a park.

032 ROBINSON: Continues reading testimony. Explains fire protection program. Demonstrates fire shelters.

089 REP. LUKE: What temperature will that fire shelter protect against? 095 PETE NORKEVECK, Oregon Department of Forestry: About 2,000 degrees.

102 ROBINSON: Continues to explain the bill.

141 VICE-CHAIR DOMINY: Could you explain your amendment on Section 7?

151 GIBSON: That is inserted because under HB 2244 we're asking for a total rewrite of authority and procedure under the penalty provisions of

Chapter 477. This proposed Section, if HB 2244 passes, would make these changes void so there wouldn't be a conflict on which statutes would apply.

163 RAY WILKESON, Oregon Forestry Industries Council: Speaks in support of HB 2239. The increase in liability does make sense.

184 If loggers are responsible for an amount of liability up to \$500,000 for suppression costs for which we are not negligent, we feel that the

public should also be held responsible for negligently caused fires.

237 VICE-CHAIR DOMINY: March 17 will probably be the date when we have our next hearing on this bill. Talk to Chair VanLeeuwen about some

amendments to that effect.

245 REP. MARKHAM: Will you lobby this amendment?

246 WILKESON: Yes.

253 MIKE MILLER, Associated Oregon Loggers: Would support this bill as it stands. If the liability cap is raised there will not be much increase

in rates.

290 REP. LUKE: What amount of liability do you carry?

295 MILLER: About \$1 million would be the minimum.

299 REP. LUKE: So they already have this much coverage to start with?

305 MILLER: The majority of logging contractors would have \$1 million worth of coverage to start with. The concern is that HB 2244 provided some

very ominous requirements for liability for logging operators.

310 REP. LUKE: You're not worried about going up to \$500,000 in this bill, you're worried about a different bill that does something else?

312 MILLER: That's right.

317 JULIE BRANDIS, Oregon Small Woodlands Association: This bill will increase premiums for non-industrial landowners 20 to 25%.

339 REP. LUKE: What's the average premium? 346 BRANDIS: It depends on how much land they own.

351 REP. LUKE: The average premium would be \$175, so 25% wouldn't be that much money?

355 BRANDIS: It's still a problem.

364 REP. MARKHAM: Are they concerned because they do their own logging?

370 BRANDIS: Yes.

PUBLIC HEARING ON HB 2241

380 FRED ROBINSON, Oregon Department of Forestry: Introduces Rick Gibson. HB 2241 is our rural forest interface bill which would recognize the

concern about fires resulting from powerlines, correct a defect in a portion of the funding of the Emergency Fire Fund, apply a common standard of safety to all campfires and it would provide homeowners living in high fire risk areas with the ability to use fire resistant roofing materials.

385 GIBSON: Reads testimony (Exhibit C). Suggests amendments (Exhibit D).

416 The trend of power line fires has been increasing.

TAPE 24, SIDE B

020 REP. MARKHAM: If you reach agreement with the utilities, does that mean we don't need the bill?

023 ROBINSON: All the regulatory language in the bill is replaced by recommendations directing the Department to develop a power line fire

protection plan in conjunction with the utility commission and other appropriate entities.

040 GIBSON: Explains incidence of fire caused by power lines.

045 VICE-CHAIR DOMINY: Was this fire in a rural or urban setting?

048 GIBSON: It was in what we call the rural/urban interface.

052 REP. JOSI: Does this information also record power line fires caused by high winds or other related causes.

061 GIBSON: It includes all those issues.

065 REP. JOSI: If you were to take the increased miles of power lines, wouldn't the number of fires increase?

079 GIBSON: I suspect it would.

073 ROBINSON: Some naturally occurring factors come into play also. In eastern Oregon we have a lot of dead and dying forests which can blow

over unto a power line.

084 REP. JOSI: Do you think the graph would still be sloped like that (with the number of fires increasing) if only the fires that were caused

because trimming crews did not follow PUC regulations were considered?

090 GIBSON: It would be less steep.

097 REP. JOSI: What kinds of programs would you implement to prevent fires that were nobody's fault?

102 GIBSON: We don't have the expertise to deal with those types of problems.

Continues to explain HB 2241.

139 REP. LUKE: For the record, reads classes of roofs for their degree of fire resistance.

140 GARY UNDERWOOD, Office of Fire Marshall: Testifies in favor of HB 224 1 (Exhibit E).

194 REP. LUKE: What is the power company responsible for? How clear do they need to keep the right-of-way?

198 UNDERWOOD: The intent is to keep it clear of trash and keep the fuel load down.

203 REP. LUKE: Are you speaking of private citizens dumping in this area and then it is the power company's responsibility to get it out?

212 UNDERWOOD: People in adjacent homes have a tendency to use right-of-ways as a dumping ground and it isn't maintained by anyone.

215 VICE-CHAIR DOMINY: Do you support the amendments?

219 Underwood: Yes.

225 BOB HALL, Portland General Electric: Speaks against the bill as amended.

226 The new Section 1, which mandates a development and implementation of a fire protection plan, would not do anything because we don't have enough information to develop or implement a plan.

285 REP. NORRIS: It seems like what is recommended in the amendments is just what you want done, that the agencies and the

utilities work

together to develop a plan.

293 HALL: Our concern is that it says to develop and implement a fire protection plan. There's not enough information to implement a plan.

312 REP. JOSI: Didn't you state that you should sit down and work with the PUC and State Forestry Department to find out what the causes of fires

are and develop a workable plan. Is that correct?

322 HALL: Yes.

346 DIANE COWAN, Oregon People's Utility District: Testifies against HB 2241. We oppose the new language at the top of page 3. Reads (Exhibit

F).

389 SANDY FLICKER, Oregon Rural Electric Cooperative Association: Believes the amendment to require meeting with the Department of Forestry is

unnecessary, since they already made the commitment to do that.

Summarizes Exhibit G.

407 Tom O'Connor, with the Oregon Municipal Electric Utilities, shares the same views but had to leave.

TAPE 25, SIDE B

015 RAY WILKESON, Oregon Forest Industries Council: Speaks in support of HB 2241. In favor of anything that will help prevent forest fires.

025 VICE-CHAIR DOMINY: Even if the power line discussion was removed from the bill, you'd still feel the bill was necessary?

026 WILKESON: That's correct.

029 JERRY MURRAY, Public Utility Commission: We would support cooperating with the Forestry Department in implementing a more comprehensive plan. We would ask that we take a subordinate role in developing that plan.

052 REP. MARKHAM: If this became law, would you include the cost in figuring their return?

053 MURRAY: That's out of my department.

PUBLIC HEARING ON 2244

064 FRED ROBINSON, Department of Forestry: Introduces Rick Gibson.

074 RICK GIBSON, Department of Forestry: Explains the need for HB 224 4 which authorizes the State Forester to adopt the use of a uniform

citation system in the enforcement of forest fire protection statutes.

Reads Exhibit H. Offers amendments to HB 2244 which would establish the authority for infractions and the use of uniform citations by basic reference (Exhibit I).

098 RAY WILKESON, Oregon Forest Industries Council: Concerned that this could proliferate ticket writing for violators.

131 We are concerned about the intent and need for Section 19, Subparagraph 6 of proposed amendments because those who are innocent may not take the time off to oppose the ticket.

172 VICE-CHAIR DOMINY: Would you vote yes or no?

173 WILKESON: We would delete this subsection.

175 REP. LUKE: Who gets the money for these fines?

180 GIBSON: It goes to the Forestry Department.

185 MIKE MILLER, Association of Oregon Loggers: There are some favorable features in the bill. The objective is to prevent forest fires. Our

question is would it be more effective than the current system. We are concerned that the impact of the uniform citation system would not be as good.

246 Would oppose the bill unless the enforcement policy was put into administrative rules. We are also concerned about the last section

dealing with prima facie evidence that may be considered even if that violation didn't start a fire.

275 VICE-CHAIR DOMINY: Requests some compromise be worked out with the Department of Forestry, Ray Wilkeson and Mike Miller.

294 ROBINSON: The intent is to enforce the fire protection laws but streamline them as much as possible.

327 The last section was recommended by the trial attorneys at the Attorney General's Office who prosecute our cases.

330 VICE-CHAIR DOMINY: The people who worked on this language should be included in that meeting.

343 REP. FISHER: Would like a detailed description of how this would be done without getting out of hand.

364 ROBINSON: We talked to some district attorneys and you have testimony from the State Police regarding their opinion to this bill.

WORK SESSION ON 2682

397 CATHERINE FITCH: Explains HB 2682 which modifies current law to specifically prohibit application of sulfites as a food additive to

fresh food being consumed at restaurants.

412 MOTION: REP. JOSI: Moves HB 2682 to the full committee with a DO PASS recommendation.

VOTE: On a roll call vote, all members present vote AYE. REP. BAUM is EXCUSED.

TAPE 26, SIDE A

015 VICE-CHAIR DOMINY: The motion CARRIES. Rep. Josi will carry the bill.

025 VICE-CHAIR DOMINY: Reopens Public Hearing on HB 2244 to submit some testimony.

028 CATHERINE FITCH: For the record, the subcommittee has received correspondence from the Department of State Police supporting HB 2244

(Exhibit J).

033 VICE-CHAIR DOMINY: Closes Public Hearing on HB 2244.

Meeting adjourned at 5:40.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2239 - Testimony - Fred Robinson - 2 pages B - HB
2239 - Amendments - Fred Robinson - 3 pages C - HB 2241 -
Testimony - Rick Gibson - 5 pages D - HB 2241 - Hand engrossed
amendments - Rick Gibson - 4 pages E - HB 2241 - Testimony -
Gary Underwood - 1 page F - HB 2241 - Testimony - Diane Cowan -
2 pages G - HB 2241 - Testimony - Sandy Flicker - 1 page H -
HB 2244 - Testimony - Rick Gibson - 2 pages I - HB 2244 -
Hand engrossed amendments - Rick Gibson - 12 pages J - HB 2244 -
Testimony - Dean Renfrow - 3 pages