

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

April 21, 1993 Hearing Room D 3:30 p.m. Tapes 64 - 65

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

MEMBER EXCUSED: Rep. Bill Fisher

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

MEASURES CONSIDERED:

HB 2239 - Work Session HB 2244 - Work Session HB 2913 - Public Hearing
HB 2865 - Public Hearing SB 179 - Public Hearing

WITNESSES: Rick Gibson, Oregon Department of Forestry Julie Brandis, Oregon Small Woodlands Association Fred Robinson, Oregon Department of Forestry Rep. Bob Repine, District 49 Ray Craig, Oregon Department of Forestry Paul Ries, Oregon Department of Forestry Darrin Quillen, Legislative Assistant to Rep. Veral Tarno Craig Zanni, Coos County Sheriff's Office Marianna Boenholdt, Oregon Mycological Society Dave Stere, Oregon Department of Forestry Bill Bradley, Bureau of Land Management

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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 64, SIDE A

005 CHAIR VanLEEuwEN: Calls the meeting to order at 3:40. WORK SESSION ON HB 2239

019 CATHERINE FITCH, Committee Administrator: Amendments have been proposed by the Department of Forestry. A revised fiscal impact statement is

also submitted (Exhibit A).

035 MOTION: REP. DOMINY: Moves the amendments in the hand engrossed version to HB 2239 proposed by the Department of Forestry dated

3/10/93.

049 CHAIR VanLEEuwEN: Section 7 says that if we pass HB 2244, then Section 5 of this act becomes void, I think.

050 FITCH: HB 2244 establishes a uniform citation provision that may be used by the Department of Forestry. Section 5 of this act addresses the citation provisions that the Department of Forestry can use now. That

would stay in place if HB 2244 is not passed.

056 CHAIR VanLEEuwEN: Both change what would be considered a felony to a misdemeanor.

058 FITCH: Yes.

060 VOTE: CHAIR VanLEEuwEN: Hearing no objections, the AMENDMENTS are ADOPTED.

063 MOTION: REP. DOMINY: Moves HB 2239, as amended, to the full committee with a DO PASS recommendation.

080 CHAIR VanLEEuwEN: Repeats motion.

085 REP. DELL: The Small Woodlands Owners estimated their insurance costs would increase about \$30. In addition, they didn't know how many of

their members might already have the \$500,000 liability insurance. I'm not sure whether this is correct in my notes. Was that the additional cost?

093 REP. NORRIS: I had a similar question as to whether this objection was resolved.

109 REP. DELL: How are we affecting the really small woodland owners?

115 RICK GIBSON, Oregon Department of Forestry: Those who own one or two acres probably don't have insurance specifically for this. They

probably wouldn't need it for the most part. I would assume their regular insurance would cover them in most situations where they would have a fire.

124 REP. DELL: Asks Julie Brandis what the affect will be.

131 JULIE BRANDIS, Oregon Small Woodlands Association: The increase would be 25%. If a person owned 120 acres, the increase would be about \$30.

144 REP. DOMINY: Did you support or oppose the bill? 147 BRANDIS: We oppose the bill.

150 REP. LUKE: Are you opposed just because of the cost?

153 BRANDIS: We are opposed because of the cost. We don't feel this is really needed for us.

166 REP. VanLEEUEWEN: Asks Rick Gibson what this covers.

170 GIBSON: It applies to extra costs incurred in fighting a fire that are not covered by our normal budget.

180 REP. MARKHAM: Is there a minimum requirement for liability insurance of \$300,000, if they have insurance?

187 GIBSON: There is no mandatory requirement for insurance.

190 REP. MARKHAM: Where does the \$300,000 come from?

192 GIBSON: This is the maximum amount we can collect from them for fighting a fire caused by them. We would seek compensation from them

even if it isn't caused by negligence.

218 REP. DELL: When you prepared your estimates, did the insurance company have access to the figures of how many fires exceeded this amount?

231 BRANDIS: No.

237 REP. DELL: Those figures might be helpful in negotiating new rates with your insurance company.

248 CHAIR VanLEEUEWEN: There were 45 fires in the last 10 years which exceeded \$300,000; 26 of those fires were over \$.5 million; and last

year there were six over \$.5 million.

257 Repeats motion.

260 REP. NORRIS: This does not mandate any insurance. It simply indicates a limit, beyond which, the Department of Forestry will pick up the cost. And if you don't have insurance, there's no mandate that you have it.

Is that correct?

265 GIBSON: Yes.

266 VOTE: On a roll call vote, REPS. DELL, DOMINY, LUKE, NORRIS and CHAIR VanLEEUEWEN vote AYE. REP. MARKHAM votes NAY. REPS. BAUM and

FISHER are EXCUSED. REP. JOSI is EXCUSED but later votes AYE.

278 CHAIR VanLEEUEWEN: The motion CARRIES.

280 CHAIR VanLEEUEWEN will carry the bill. 283 VOTE: REP. JOSI votes AYE.

285 CHAIR VanLEEUEWEN: Closes work session on HB 2239.

WORK SESSION ON HB 2244

298 FITCH: Explains the bill which addresses the Department of Forestry's ability to utilize the uniform citation against people who violate fire protection laws. Amendments are contained in Exhibit B.

314 CHAIR VanLEEuwEN: Why do we need this bill if the essence of the uniform citation is in HB 2239?

315 FRED ROBINSON, Department of Forestry: The purpose is to streamline the process we use in prosecuting violators of the Uniform Fire Code.

345 RICK GIBSON, Department of Forestry: Section 5 of HB 2239 fixed a problem that we already have where the penalty for the violation of a

statute was more severe than the violation of an administrative rule issued under the same statute. This brought the two into parity and corrected the imbalance.

361 REP. DOMINY: Are all the interested parties in agreement with these amendments?

367 ROBINSON: Yes. My understanding is that they are in agreement with these amendments.

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005 CHAIR VanLEEuwEN: Does this bill do anything else?

006 ROBINSON: No, the essence of it is to change the process.

013 CHAIR VanLEEuwEN: You don't intent to just go out and write citations willy-nilly?

015 ROBINSON: No.

020 REP. MARKHAM: The enforcement will just work better, correct?

022 ROBINSON: Yes.

027 MOTION: REP. DOMINY: Moves the amendments dated 4/2/93 from the Department of Forestry to HB 2244.

034 CHAIR VanLEEuwEN: Repeats motion.

035 VOTE: CHAIR VanLEEuwEN: Hearing no objections, the AMENDMENTS are ADOPTED.

036 MOTION: REP. DOMINY: Moves HB 2244, AS AMENDED, to the full committee with a DO PASS recommendation.

037 CHAIR VanLEEuwEN: Repeats motion.

043 REP. NORRIS: On page 5 of the original bill, line 27, are we taking that out of the arson category and just making that an offense?

055 GIBSON: Currently it's a Class B misdemeanor.

059 REP. NORRIS: Would this excuse an arsonist for setting fire to a valuable crop?

062 GIBSON: No, the arson statutes are not affected.

080 REP. NORRIS: I wouldn't want someone who set willfully set fire to someone's crop to get off with a traffic ticket.

082 REP. DELL: Do we cross the line when we include willful and malicious in the language of this bill?

090 REP. DOMINY: Our intent is that we are not letting any arsonist off by passing this bill.

097 REP. MARKHAM: Moves the question.

107 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM and FISHER are EXCUSED.

110 CHAIR VanLEEuwEN: The motion CARRIES.

REP. DOMINY will carry the bill.

112 CHAIR VanLEEuwEN: Closes work session on HB 2244.

PUBLIC HEARING ON HB 2913

118 FITCH: Introduces HB 2913 which would establish Oregon policy to encourage cities to plant and care for trees within their boundaries.

It would direct the State Department of Forestry to provide technical assistance to entities interested in planting and caring for trees in cities, making full use of cooperative agreements and programs. It would also authorize the Department to charge service fees and to receive special gifts and donations for the program. Fiscal impact statement is submitted in Exhibit C.

137 REP. BOB REPINE, District 49: Distributes copies of an Oregon Urban Forestry Plan (Exhibit D). Gives testimony in favor of the bill.

200 REP. JOSI: What is the purpose of the Oregon Urban and Community Forest Council?

207 REP. REPINE: Explains projects that the Council is involved in.

226 REP. NORRIS: Two bills will be heard in transportation which will help forest the urban areas. Should these be put together?

249 REP. REPINE: I'm familiar with the one of the bills. We brought this forward so donations could be accepted.

271 REP. NORRIS: I thought maybe these bills could work together to

help your concept.

284 REP. REPINE: We might want to do some research on what those fees will be used for.

309 RAY CRAIG, Oregon Department of Forestry: The Board of Forestry would like to address the issue of trees in urban areas. Explains the Urban

Community Forest Assistance Program.

354 PAUL RIES, Oregon Department of Forestry: Testifies in favor of HB 2913. Reads testimony in (Exhibit E).

400 CHAIR VanLEEuwEN: Couldn't you accept the grants before?

409 RIES: We don't have any mechanism to take in corporate donations or gifts or bequests.

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009 CRAIG: The Department of Forestry does support this bill.

015 REP. MARKHAM: How many grants have been requested?

016 RIES: We receive three to four times the requests as we have money for.

022 REP. MARKHAM: Are they a matching grant program?

024 RIES: Yes, they are a 50-50 match.

026 REP. MARKHAM: Do most small towns come up with any cash?

029 RIES: Very little.

033 The focus for HB 3149 is for tree planting for energy conservation purposes. This bill allows funds to be used for a variety of urban

forestry activities.

040 REP. NORRIS: The end result would be the same if you plant a tree for energy conservation or for shade, wouldn't it?

049 FITCH: Mike Reichenbach submitted testimony in support of HB 2913 (Exhibit F).

060 CHAIR VanLEEuwEN: Asks that this bill be compared to the other two bills being heard in Transportation.

062 REP. NORRIS: I would recommend that.

068 CHAIR VanLEEuwEN: Closes public hearing on HB 2913.

PUBLIC HEARING ON HB 2865 AND SB 179

083 FITCH: HB 2865 adds "specialized forest products" to category of products covered by unlawful cutting and transport of forest products

offence. SB 179 adds yew bark to the list of minor forest products. A fiscal analysis is submitted for HB 2865 (Exhibit G).

100 DARRIN QUILLEN, Legislative Assistant to Rep. Veral Tarno: Reads testimony in support of HB 2865 (Exhibit H).

153 CRAIG ZANNI, Coos County Sheriff's Office: I'm here to testify in favor of HB 2865 as it closes loopholes in the law and thus protects forest

owners. We want to protect the owners of these properties.

177 CHAIR VanLEEUEWEN: Since when do you, as a local government, enforce what goes on in federal lands?

182 ZANNI: We have a contract with the U.S. Forest Service and the Bureau of Land Management to enforce laws on federal property.

199 CHAIR VanLEEUEWEN: Who pays their salaries?

200 ZANNI: My timber investigators are paid by the county.

204 REP. LUKE: Why are mushrooms included on national forest land?

209 QUILLEN: Because it is a high value crop. We could include amendments to change that to private land.

225 REP. MARKHAM: Does the Forest Service market mushrooms?

227 MARIANNA BOENHOLDT, Oregon Mycological Society: The Forest Service and the Bureau of Land Management have an involved permit process for

picking mushrooms. Fire increases the mushroom crop. There is one variety of mushroom whose harvest is more valuable each year than the trees.

270 CHAIR VanLEEUEWEN: You are supposed to have a permit to harvest mushrooms on any federal land?

275 BOENHOLDT: Yes. The permit is for two days and there is a limit on the amount that can be picked per day.

290 CHAIR VanLEEUEWEN: Who enforces that?

292 ZANNI: My timber investigators would be in charge of enforcement. That's why these definitions need to be clear because minor forest

products cover such a broad spectrum of items.

321 ZANNI: Section 2 of HB 2913 delineates what can be done with the products that are seized. This is important.

347 REP. MARKHAM: Would mistletoe and swordfern be included?

353 QUILLEN: Most mistletoe is a commercial crop.

366 CHAIR VanLEEuwEN: What do lines 19 and 20, page 2 do? Wouldn't that eliminate the mushrooms?

373 BOENHOLDT: A cubic yard of mushrooms is unlikely to be picked by an individual picker. That amount would be transported by a buyer. I see

that as a problem in the bill.

386 QUILLEN: That is a good point. We would be willing to amend that.

400 REP. LUKE: Do pickers carry guns?

402 BOENHOLDT: Some do.

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016 QUILLEN: The reality is it's an excellent way to augment your income.

019 REP. MARKHAM: When a load of wood comes out of the state forest, do you ask to see their permit?

023 ZANNI: Yes.

031 REP. DELL: Why are artificially fabricated fireplace logs included in the exclusions?

040 QUILLEN: I don't have a quick, correct answer for you. They may be excluded just because they're not a natural result of a natural process.

044 REP. DELL: Are we suggesting that it's okay to take those?

047 QUILLEN: Not at all.

048 FITCH: It was in the original language.

050 REP. MARKHAM: On most beaches it's illegal to take driftwood, isn't it?

052 ZANNI: Yes. 056 BOENHOLDT: It was determined by the Oregon Mycological Society not to support the bill because it did not address the buyer as needing a

permit. We support the idea of permits for all forest products.

082 When I was working for the state, many of my welfare clients were not available for appointments during the mushroom season.

100 Group permits are sometimes issued.

140 DAVE STERE, Oregon Department of Forestry: Testifies in favor of SB 179. Reads testimony in Exhibit I.

219 CHAIR VanLEEuwEN: Do you see a problem with putting parts of HB 286 5 into this bill?

226 STERE: We are concerned with the urgency of this bill.
Has no objection to incorporating the two bills together.

241 REP. JOSI: When does the yew bark season start?

242 STERE: Probably in the next two weeks.

255 REP. NORRIS: If HB 2865 passed, wouldn't it do everything that
SB 179 would do?

257 STERE: Yes.

270 CHAIR VanLEEuwEN: My preference is to use SB 179 as a
vehicle and incorporate HB 2865 into it.

273 BILL BRADLEY, Bureau of Land Management: Supports SB 179. We
would like to have this bill in place at the beginning of the harvest
season.

288 REP. MARKHAM: How come the Forest Service isn't concerned about
this?

290 BRADLEY: I don't know. We are concerned about it because of our
land ownership.

294 REP. MARKHAM: Does the yew grow just as well at higher elevations
which the Forest Service owns predominantly, or is there a correlation
there?

296 BRADLEY: It doesn't grow at extremely high elevations, but up to
about 4,000 feet.

299 REP. MARKHAM: What happens to the tree after it's stripped?

300 BRADLEY: If it's stripped completely around, it will die.

306 If the tree is cut down to a 12 inch stump, it will sprout.

308 REP. LUKE: Where do the people who steal the bark sell it? 315
STERE: Explains how it is sold.

335 BRADLEY: Explains how bark harvest was verified during 1992
season.

367 CHAIR VanLEEuwEN: Asks Mr. Stere if he would be able to work
on the bill consolidation?

389 REP. MARKHAM: Suggests moving in two different directions so
that we can get this done.

450 REP. LUKE: I don't have any problems with HB 2865 but I may have
some problems with SB 179.

469 CHAIR VanLEEuwEN: Closes public hearing on HB 2865 and SB 179

Meeting is adjourned.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2239 - Fiscal Impact Statement - Staff - 1 page B -
HB 2244 - Proposed amendments - Staff - 12 pages C - HB 2913 -
Fiscal Impact Statement - Staff - 1 page D - HB 2913 -
Information - Rep. Repine - 20 pages E - HB 2913 - Testimony -
Paul Ries - 4 pages F - HB 2913 - Testimony - Mike Reichenbach -
1 page G - HB 2865 - Fiscal Impact Statement - Staff - 1 page H
- HB 2865 - Testimony - Darrin Quillen - 1 page I - SB
179 - Testimony - Dave Stere - 2 pages