

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

April 28, 1993 Hearing Room D 3:30 p.m. Tapes 72 - 73

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

MEMBER EXCUSED: Rep. Bill Markham Rep. Ray Baum Rep. Tim Josi

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

MEASURES CONSIDERED:

HB 2211 - Public Hearing and Work Session HB 2213 - Public Hearing and
Work Session HB 3087 - Work Session SB 179 - Work Session

WITNESSES: Dave Nelson, Oregon Seed Council Phil Ward,
Department of Agriculture Steve Crane, Department of Environmental
Quality Bruce Andrews, Oregon Department of Agriculture Ellen Lowe,
Ecumenical Ministries Darrin Quillen, Legislative Assistant to Rep.
Veral Tarno Dave Stere, Oregon Department of Forestry Marianna
Boenholdt, Oregon Mycological Society

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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
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TAPE 72, SIDE A

005 CHAIR VanLEEuwEN: Calls the meeting to order at 3:40.

PUBLIC HEARING ON HB 2211

007 CATHERINE FITCH: Amendments have been submitted to HB 2211. HB
221 1 allows the State Department of Agriculture to address grass seed
smoke

management administration (Exhibit A).

035 DAVE NELSON, Oregon Seed Council: The bill is satisfactory to take
care of the issues that need to be addressed. Explains the amendments.
The

amendments delete Section 1 dealing with consolidating permit issuing

agencies. The new Section 2 makes it clear that if a straw merchant takes possession of the straw that it is then their responsibility for the disposal of the straw.

069 Other technical changes have been made in the amendments.

129 CHAIR VanLEEuwEN: The permit agent may make less money with this.

132 REP. DOMINY: Asks the Department of Agriculture if they support the fee reduction.

135 PHIL WARD, Department of Agriculture: We're comfortable with it. We feel it's a more equitable compensation.

141 NELSON: The farmer will still pay the same amount.

154 CHAIR VanLEEuwEN: Take out "with" and "and" on page 4, line 12. On line 13, insert "shall" after "parties,".

182 WARD: We concur with the amendments.

185 STEVE CRANE, Department of Environmental Quality: We also concur with the amendments.

192 CHAIR VanLEEuwEN: Closes public hearing on HB 2211.

WORK SESSION ON HB 2211

197 MOTION: REP. DOMINY: Moves the hand engrossed 2211-4 (LC 518) amendments dated 4/19/93 as further amended on the last page, lines

12 and 13.

199 CHAIR VanLEEuwEN: Repeats the motion.

200 VOTE: CHAIR VanLEEuwEN: Hearing no objects, the AMENDMENTS are ADOPTED.

201 MOTION: REP. DOMINY: Moves HB 2211, AS AMENDED, to the Committee on Natural Resources, with a DO PASS recommendation.

222 CHAIR VanLEEuwEN: Repeats the motion.

228 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM, JOSI, MARKHAM and NORRIS are EXCUSED.

235 CHAIR VanLEEuwEN: The motion CARRIES.

Public Hearing On HB 2213

236 CATHERINE FITCH: Explains HB 2213 which makes duties of the State Department of Agriculture to provide mediation of foreclosures of

agricultural property contingent upon availability of funds. Summarizes information in Exhibit B.

266 BRUCE ANDREWS, Oregon Department of Agriculture: Testifies in favor of HB 2213. The mediation program has helped some farmers from going out

of business. Summarizes testimony in Exhibit C.

300 PHIL WARD, Oregon Department of Agriculture: Summarizes Farm Loan Mediation Program statistics (Exhibit C).

342 REP. DOMINY: Are there already fees in place?

347 ANDREWS: The participants in the mediation pay for the mediation itself.

372 WARD: The fee was set by statute.

377 REP. LUKE: Do the fees cover the costs?

380 WARD: They come close to cover the costs of the actual mediation, not the administration of the program.

389 REP. DELL: Have you had any complaints of this program being used as a delay tactic?

394 ANDREWS: That hasn't been our experience.

TAPE 73, SIDE A

013 REP. DELL: Have you considered increasing the fees to insure perpetuation of the program?

028 ANDREWS: We're going to make every effort to keep this program alive.

041 ELLEN LOWE, Ecumenical Ministries: We were the requestors and advocates of the original bill instituting this mediation program. Accepts the

amendment of the program contained in HB 2213.

098 REP. FISHER: Mediation helps solve people's needs. When a government agency provides this type of service, then we're on the right tract with what government ought to be doing.

119 CHAIR VanLEEUEWEN: Closes public hearing on HB 2213.

WORK SESSION ON HB 2213

120 REP. DELL: My tendency is to submit an amendment to give the Department the flexibility it needs. I would not like a gap in the funding to

destroy the program.

140 REP. FISHER: Would it be possible, if they ran out of funds to put something in here to the effect that they would go to the E Board,

perhaps and pursue that?

144 CHAIR VanLEEUEWEN: I think they have the authority to do that.

145 REP. DOMINY: Asks Mr. Andrews what they would need to feel comfortable in going to the E board.

147 ANDREWS: Maybe just a qualifying statement that the committee's intent is for the program to continue.

166 CHAIR VanLEEUEWEN: Could we change the language so that the fee could be changed from \$30 in case more funds are needed?

180 ANDREWS: I'm not sure how Ways and Means could structure limitation for that. I think the only way to do that would be to uncouple the fee and

then report to the E Board for the appropriate limitation.

187 CHAIR VanLEEUEWEN: You feel you could go to the E Board with the language that is in there now?

192 ANDREWS: Yes, if the committee's intent was stated in the bill.

195 CHAIR VanLEEUEWEN: I think the solution would be to work on that amendment and then bring this back, hopefully, next Wednesday.

198 REP. LUKE: Could you put something in the bill, giving the Department of Agriculture the option of charging the participants the full cost for mediation?

200 REP. DELL: I think the problem with that is how you describe that cost. They're paying the mediator, not the administrator overhead. I don't

think that would be covered.

206 REP. DOMINY: I haven't heard if there is a chance that the federal government would eliminate this funding. Is it being considered?

214 ANDREWS: I believe that since they've changed the matching funds in our favor that their commitment to the program is strong.

220 CHAIR VanLEEUEWEN: Closes work session on HB 2213.

225 CHAIR VanLEEUEWEN: Recesses the committee at 4:21.

CHAIR VanLEEUEWEN: Meeting is reopened at 4:30.

WORK SESSION ON SB 179

233 CATHERINE FITCH: Amendments have been made combining SB 179 and HB 286 5 (Exhibit D). The combined bill adds "specialized forest products" to

the category of products covered by unlawful cutting and transport of forest products offense. Yew bark would also be added to the list of

minor forest products. An additional change should be made on Section 3, line 16. That section should read, "All peace officers shall note and investigate the cutting and transportation of coniferous trees and special forest products as defined in ORS 164.813 for the purpose of ..."

290 CHAIR VanLEEuwEN: On line 23, page 1, shouldn't we include "removal permit?"

299 DARRIN QUILLEN, Legislative Assistant to Rep. Veral Tarno: We should probably insert "harvesting" for "cutting".

300 DAVE STERE, Oregon Department of Forestry: You could actually strike the word "cutting" and leave it just as "permit as described."

309 REP. LUKE: Permits in Deschutes County are not site specific.

314 QUILLEN: Page 2, line 5, section 4, applies to this question.

321 REP. LUKE: Do the State Forests issue permits for firewood?

322 DAVE STERE: Yes.

345 MARIANNA BOENHOLDT, Oregon Mycological Society: In response to Chair VanLeeuwen's inquiry, one gallon is the amount of wild edible mushrooms that conforms to current practice in the National Forests now.

367 REP. LUKE: So you can transport amounts under 27 cubic feet out of National Forest or BLM land without a permit?

375 STERE: This only applies to the transportation of the products, not the legality of the possession of the products.

390 REP. LUKE: The State Police stop people cutting firewood on federal land if they don't have their permits. You're changing that?

400 CHAIR VanLEEuwEN: What does that do with yew needles?

TAPE 72, SIDE B

004 STERE: The only requirement that would be different from the 27 cubic feet would be for wild edible mushrooms. Every other special forest

product would require 27 cubic feet or more in order to require a permit.

010 REP. DOMINY: I think I could cut a cord of wood, but if I wanted to transport that cord of wood to someone else's house, I would have to

have a permit?

124 REP. LUKE: Yes.

018 STERE: Yes, you have to have a permit if you transport over 27 cubic feet.

024 REP. DOMINY: The point is how much you can transfer at any given time.

025 STERE: Correct.

026 CHAIR VanLEEuwEN: So the 27 cubic foot limit is okay?

027 REP. FISHER: Why do they have this much as a minimum limit? If you go out every day and get a cubic yard of wood, you wouldn't be subject to

any penalty?

032 REP. LUKE: You would be subject to a penalty by the feds.

040 CHAIR VanLEEuwEN: My question is about special forest products. My question is if that limit is acceptable for these products.

043 STERE: We're satisfied with the 27 cubic feet limit.

048 CHAIR VanLEEuwEN: The 27 cubic foot limit is existing law.

052 STERE: Points out additional changes that have been made to incorporate the two bills.

078 REP. DELL: Who are we talking about in tying the seller back to the income?

082 QUILLEN: We're talking about wholesalers.

085 REP. DELL: We want the signature of the person from whom the wholesaler received it?

090 QUILLEN: Correct. The wholesaler has to keep records from whom he got his product and also has to have the name and address of the landowner

where that product came from.

110 REP. LUKE: Is there precedent for allowing a police officer to look at someone's records without a subpoena?

114 STERE: That is in current statute.

124 CHAIR VanLEEuwEN: There is a lot of slippage in the specialty forest products.

131 STERE: The definitions for specialty forest products have been changed. 171 CHAIR VanLEEuwEN: Is the wood permit system all worked out?

174 STERE: We are concerned about the imposition of the purchase record on an emergency clause basis.

187 REP. NORRIS: Where does it excuse the private landowner from having to do all this?

193 STERE: That's on page 2, lines 17 and 18. That's one of the exceptions.

197 CHAIR VanLEEuwEN: Your concern is in getting the information out if this becomes law and is effective upon passage?

200 STERE: Yes.

221 REP. LUKE: It still bothers me that you can still carry up to half a truckload of forest products out of the forest without the police being able to stop you.

236 Why let them steal a little stuff?

248 CHAIR VanLEEuwEN: How does the law read now on the 27 cubic feet?

250 BOENHOLDT: Page 2, lines 18 and 19 of the original Senate bill.

255 CHAIR VanLEEuwEN: You're concerned about people harvesting amounts of products over this amount?

260 STERE: Correct.

268 REP. FISHER: That is a lot of beargrass.

278 CHAIR VanLEEuwEN: I think they do not want to be concerned with every small amount.

290 FITCH: With regard to including the Pacific Yew in the current law, as soon as possible, Legislative Counsel says that an emergency clause can be put on the entire bill and then certain sections can have an

effective date attached to them for effect at a later date.

323 REP. DOMINY: What date would you desire as the effective date for the remainder of the bill?

333 STERE: January 1, 1994 would be acceptable.

344 MOTION: REP. DOMINY: Moves that we direct legislative counsel to make the appropriate amendments to make Section 1, Subsection 6

subject to an effective date of 1/1/94 and then creating a new Subsection 7.

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

376 MOTION: REP. DOMINY: Moves the amendments that have been discussed and the proposed amendments dated 4/28/93.

378 CHAIR VanLEEuwEN: Repeats motion.

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

386 MOTION: REP. DOMINY: Moves SB 179, AS AMENDED, to the full committee with a DO PASS recommendation.

391 CHAIR VanLEEuwEN: Repeats the motion.

394 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM, JOSI AND FISHER are EXCUSED.

REP. DELL will carry the bill.

WORK SESSION ON HB 3087

TAPE 73, SIDE B

014 FITCH: Summarizes scope of HB 3087 which requires compensation be paid by regulating entities for certain types of regulation affecting private property. Amendments have been submitted (Exhibit E) which would exempt state and local entities from paying compensation if they are adopting

federal regulations.

034 REP. LUKE: What if they go beyond a federal regulation?

036 FITCH: My understanding is that then the provisions of HB 3087 would apply.

038 MOTION: REP. DOMINY: Moves the 3087-6 amendments (LC 1169-1) dated 4/27/93.

040 CHAIR VanLEEuwEN: Repeats the motion.

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

046 MOTION: REP. DOMINY: Moves to rerefer HB 3087, AS AMENDED, to the full committee with a DO PASS recommendation.

048 CHAIR VanLEEuwEN: Repeats the motion.

050 VOTE: On a roll call vote, REPS. DOMINY, FISHER, LUKE, NORRIS AND CHAIR VanLEEuwEN vote AYE. REP. DELL votes NAY. REPS. BAUM, JOSI

AND MARKHAM are EXCUSED.

058 CHAIR VanLEEuwEN: The motion CARRIES.

REP. BAUM will carry the bill.

059 CHAIR VanLEEuwEN: Closes work session on HB 3087.

Meeting adjourned at 5:15.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2211 - Hand engrossed amendments HB 2211-4 (LC 518)
dated 4/19/93 - Staff - 5 pages B - HB 2213 - Preliminary Staff
Measure Summary - Staff - 1 page C - HB 2213 - Testimony - Phil
Ward - 2 pages D - SB 179 - Proposed amendments dated 4/28/93 -
Staff - 4 pages E - HB 3087 - Hand engrossed HB 3087-6 amendments
(LC 1169-1) dated 4/27/93 - Staff -3 pages