

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

May 5, 1993 Hearing Room D 3:30 p.m. Tapes 79-81

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

VISITING MEMBER: Sen. Bob Kintigh

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

MEASURES CONSIDERED:

HB 2244 - Work Session HB 2913 - Work Session HB 2865 - Work Session HB  
2213 - Work Session SB 117 - Public Hearing and Work Session HB 3298 -  
Public Hearing

WITNESSES: Rep. Bob Repine, District 49 Mike Miller,  
Associated Oregon Loggers Fred Robinson, State Forester Scott Ashcom,  
Oregon Association of Nurserymen Kathy LeCompte, Brooks Tree Farm Donna  
Glathar, Oregon Public Employees Union Lisa Clemo Bonnie Reel Ray Craig,  
Assistant State Forester Craig Royce, Department of Forestry Bill  
Ellington, Lava Nursery, Inc. Dave Stere, Department of Forestry

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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 79, SIDE A

005 CHAIR VanLEEUEWEN: Calls the meeting to order at 3:37.

WORK SESSION ON HB 2913

011 CATHERINE FITCH: HB 2913 would create an urban forests  
assistance program within the Oregon Statutes.

020 CHAIR VanLEEUEWEN: Is there a fiscal impact?

022 REP. BOB REPINE, District 49: There is no fiscal impact. It  
was not possible to merge this bill with other similar bills  
previously

mentioned by Rep. Norris at the last hearing.

046 MOTION: REP. JOSI: Moves HB 2913 to the full committee with a DO PASS recommendation.

050 CHAIR VanLEEuwEN: Repeats motion.

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

060 CHAIR VanLEEuwEN: The motion CARRIES.

061 REP. REPINE will carry the bill.

063 CHAIR VanLEEuwEN: Closes work session on HB 2913.

WORK SESSION ON 2244

068 CATHERINE FITCH: HB 2244 authorizes use of uniform citation for forest fire protection statute and rule violation. Defines form and procedure

of citation. Proposed amendments include a new section 9 which repeals

Section 5 of HB 2239 (Exhibit A). The amended version was passed out of the subcommittee but legislative counsel saw that the amendments did not fit within the relating clause and suggested additional amendments to

make it work.

160 REP. NORRIS: Section 9 is just hedging a bet if HB 2239 does pass.

177 MIKE MILLER, Associated Oregon Loggers: Our concern was that it makes the issuance of citations much easier than it is today. We were

concerned that more citations would be issued. Page 3a, Section 3 of the amendments inserts enforcement policy in the rule and would alleviate the problem.

244 This is cheaper for violations, and it makes it not criminal.

250 CHAIR VanLEEuwEN: What if vandals destroy your required fire protection equipment?

264 MILLER: I would replace it or wait until it could be replaced to resume operations. 266 FRED ROBINSON, State Forester: The objective of this bill is to streamline the process of dealing with violations of fire protection

laws.

316 CHAIR VanLEEuwEN: What if fire protection equipment at the site had been vandalized?

323 ROBINSON: If fire safety equipment is not there, the operation is shut down. Discretion is used if one shovel was missing, for example.

366 CHAIR VanLEEuwEN: Can Mr. Miller's people live with the rest

of the bill?

378 MILLER: Yes, we like the provisions of the bill.

385 REP. FISHER: As a state forester, do you check on operations on national forest land?

TAPE 80, SIDE A

002 ROBINSON: On U.S. Forest Lands, we do not administer these rules.

011 REP. FISHER: Do you also regulate campers coming through the forest?

014 ROBINSON: These laws specifically relate to logging operations.

045 REP. FISHER: Section 2, Subsection 3 -- how do you feel you're affected by the statement that says "the board may consider the following

factors" instead of "shall consider the following factors." There doesn't seem to be much assurance that those who are affected would have a say in the rule process.

060 MILLER: We would have a say in the determination of those rules.

070 REP. FISHER: I bring this up because sometimes unfair rules are made by other agencies, despite input from citizens. I'm just wondering if this gives you enough protection.

076 MILLER: My experience with the Board of Forestry gives me confidence. No one would object to inserting "shall" there.

080 CHAIR VanLEEUEWEN: Personally, I'm satisfied with the "may" in that provision.

083 REP. DELL: I saw these as limiting factors. What does this mean?

100 ROBINSON: We can live with this either way. We don't consider "may" to limit us to these considerations.

118 REP. DELL: If it's "may," and it is not limiting your menu, then there's no reason for it to be there. If it's "shall," it does give

people the comfort of knowing that these are the kinds of things they would like you to consider.

120 MILLER: Those factors that are listed for consideration come right out of the present enforcement policy.

134 REP. DOMINY: If "shall" was used, I would read it to mean that if a person was a first time offender, that would be considered. I think

we're all right where we're at.

147 REP. NORRIS: Shouldn't we repeal ORS 477.993 in the existing law instead of including section 9 of the bill?

170 CHAIR VanLEEuwEN: Isn't that already taken care of in the amended first two sentences of the bill?

171 REP. NORRIS: If we just repeated ORS 477.993, then whatever happened to HB 2239 would be irrelevant.

184 CHAIR VanLEEuwEN: Closes work session temporarily on HB 2244.

PUBLIC HEARING ON HB 3298

200 FITCH: HB 3298 requires the state Department of Forestry to conduct a study of the DL Phipps nursery. Summarizes information in preliminary

staff measure summary (Exhibit B). There is a fiscal impact (Exhibit C).

237 SCOTT ASCHOM, Oregon Association of Nurserymen: Supports HB 329 8. Introduces Kathy LeCompte.

252 KATHY LeCOMPTE, Brooks Tree Farm: Reads testimony in support of HB 329 8 (Exhibit C). Private nurseries can perform this function more

efficiently.

300 REP. LUKE: Are you suggesting that private nurseries will grow the trees that are planted on state lands and take over the functions of

this nursery?

303 LeCOMPTE: That would be one possibility if the study showed this to be a favorable alternative.

309 REP. LUKE: The nursery in Bend supplies, free of charge, excess trees to people who can't afford them.

319 LeCOMPTE: The nursery in Bend is a federal nursery.

326 REP. LUKE: I would imagine the state nursery does the same thing in the area it's in.

327 LeCOMPTE: Dumping of surplus trees at the state nursery is a problem.

334 REP. LUKE: How much of your business is seedlings?

339 LeCOMPTE: 100%. They are used for reforestation, Christmas trees and for commercial nurseries. 342 REP. LUKE: Did you know that you'd be in competition with the state?

344 LeCOMPTE: Yes.

345 REP. DOMINY: Why do you believe you provide this service to the

state cheaper?

352 LeCOMPTE: I think most private businesses are more efficient than most of the state run agencies.

354 REP. DOMINY: If the state is costing more per tree, why aren't you able to sell your trees before the state can sell their trees?

356 LeCOMPTE: We do, it is difficult when there are such large volumes out there from the state nursery. I question the necessity of the state

nursery being in competition with us, even if we're all selling everything.

380 We're only advocating a study to see if the state is doing the best possible job.

400 ASHCOM: This study would investigate the effect of dumping on the economy.

TAPE 79, SIDE B

003 REP. DOMINY: Are you aware of the current work that has been done in the past three years that has shown that the place has been competitive?

007 ASHCOM: No. If the study was done by the Department itself, it would have a great interest in what the study would reveal.

010 REP. DELL: The Department said the state nursery grows different varieties that wouldn't be economically viable for a private person to

do, specific species for a small geographic area, for example. Could you address that?

017 LeCOMPTE: I can't imagine any commercial nursery turning down a contract like that. One of the problems is that the state nursery is

growing a lot of trees that may or may not be sold, on a speculation basis.

028 DONNA GLATHAR, Oregon Public Employees Union: Testifies against HB 329 8 as it would not be cost affective. Reads testimony (Exhibit E).

058 CHAIR VanLEEuwEN: Are you 100% self supporting in everything?

060 GLATHAR: Yes.

092 LISA CLEMO: Reads testimony in opposition to HB 3298 for their job security, the small private woodland owner and for the quality of

reforestation health (Exhibit F).

156 BONNIE REEL: Reads testimony in opposition to HB 3298 as closure of the nursery would cause many to lose their jobs and would have harsh effects on reforestation (Exhibit G).

190 SEN. KINTIGH: How do these sole providers support their families on seasonal work?

195 REEL: The wages are enough so we can survive on what we make for the season.

200 REP. DOMINY: What is the average pay rate?

202 REEL: The base rate pay is \$6.34 per hour. The top salary is probably \$10 per hour.

206 REP. NORRIS: You mentioned 122 employees; is that correct?

207 GLATHAR: In 1991, there were 122 seasonal employees. The figure in January of this year was 140 seasonal employees.

209 REP. NORRIS: You did testify that you were completely self-sufficient. And then Ms. Clemo testified that the state forest nursery pays the

Department of Forestry approximately \$300,000 per year. Is that the total reimbursement to cover all of the salaries and wages?

210 GLATHAR: No, that's not the reimbursement for the salary at the nursery. That is the overhead cost for being part of the Department of

Forestry.

232 RAY CRAIG, Assistant State Forester: Summarizes testimony in opposition of HB 3295 because they feel it is unnecessary (Exhibit H).

291 We have certain policies on surplus seedlings. We do not dump seedlings on the market. There is no subsidy for this nursery operation.

315 SEN KINTIGH: Do you only sell for reforestation?

321 CRAIG: We reserve seedlings for reforestation only.

336 SEN. KINTIGH: Why aren't your boxes recyclable?

345 CRAIG ROYCE, Department of Forestry: We are concerned with disease transmission. A lot of the boxes we use do not come back in very good

shape.

363 SEN. KINTIGH: Couldn't you put the trees in a plastic bag inside the box?

365 ROYCE: We are concerned with what goes on inside plastic liners if you get a little dirt in the bag.

392 REP. MARKHAM: How many trees do you need per year?

397 ROYCE: I believe it's in the neighborhood of 120 million seedlings per year.

398 REP. MARKHAM: How many nurseries are in the state? 399 ROYCE: There are about 40 nurseries in the State of Oregon.

400 REP. MARKHAM: What percent is grown on speculation?

404 ROYCE: We grow about 1/2 of the unfilled, speculative need on non-industrial woodland owners.

TAPE 80, SIDE B

011 REP. NORRIS: The authorizing statute is under the general heading of research and development. Most of the testimony addresses the

competition aspect. Does this belong under forestry experimentation?

020 CRAIG: We do perform some experimentation. Our primary function of the forest nursery is to grow seedlings for reforestation.

026 REP. DOMINY: Reads letter from Douglas County Board of Commissioners into the record stating that the nursery is good for the community and

is a good employer (Exhibit I).

036 BILL ELLINGTON, Lava Nursery, Inc.: Was a member of the task force involved in the study in 1978. One of the recommendations was to

periodically assess the status of the forest nursery industry and the role that the state forestry would play in that. Perhaps if that is not being carried out, maybe that would be the reason to have legislation to require a study of this nature.

045 CHAIR VanLEEuwEN: Closes public hearing on HB 3298.

PUBLIC HEARING ON SB 117

060 CHAIR VanLEEuwEN: Closes public hearing on SB 117.

WORK SESSION ON SB 117

069 FITCH: SB 117 modifies duties, functions and powers of the State Department of Agriculture with regard to regulation of beekeeping.

Amendments have been proposed to SB 117 to maintain the required registration for beekeepers (Exhibit J).

085 There was an omission in the hand engrossed amendments. On page 2, section 3, line 12, it has been proposed by Mr. Van Natta that we revert to the original term "shall" instead of "may."

090 CHAIR VanLEEuwEN: Basically, amendments take us back to the

original SB 117, with the one correction.

092 MOTION: REP. DOMINY: Moves to change on line 12, section 3, the "may" back to "shall."

100 VOTE: CHAIR VanLEEuwEN: Hearing no objection, the AMENDMENT is ADOPTED.

102 MOTION: REP. DOMINY: Moves the SB 117 amendments hand engrossed by staff.

104 CHAIR VanLEEuwEN: Repeats motion.

104 VOTE: CHAIR VanLEEuwEN: Hearing no objection, the AMENDMENTS are ADOPTED.

109 MOTION: REP. DOMINY: Moves SB 117, AS AMENDED, to the full committee with a DO PASS recommendation.

112 REP. FISHER: What is the need to double the fee?

114 FRED VAN NATTA, Oregon Beekeepers Association: The fee is doubled if you are late in registration.

133 CHAIR VanLEEuwEN: Repeats motion.

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

143 CHAIR VanLEEuwEN will carry the bill.

145 CHAIR VanLEEuwEN: Closes work session on SB 117.

WORK SESSION ON HB 2213

144 FITCH: HB 2213 relates to the farm credit mediation program conducted by the Department of Agriculture. The original bill would provide that

the Department would not be responsible for administering the program if sufficient funds were not available. Amendments have been proposed

which add the provision that the Department shall try to secure

additional funds from other sources, including the State Emergency

Board, if federal funding is cut off (Exhibit K).

172 REP. DELL: It was my objection earlier. The amendments solve the problem.

174 MOTION: REP. DOMINY: Moves the hand engrossed by staff amendments to HB 2213.

178 CHAIR VanLEEuwEN: Repeats motion.

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

181 MOTION: REP. DOMINY: Moves HB 2213, AS AMENDED, to the



full committee with a DO PASS recommendation.

185 CHAIR VanLEEuwEN: Restates motion. 186 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM and MARKHAM are EXCUSED.

192 CHAIR VanLEEuwEN: Closes work session on HB 2213.

WORK SESSION ON HB 2865

193 FITCH: HB 2865 change the state's existing minor forest products law to include yew products and a number of other products. Amendments include the provisions from SB 179 along with an emergency clause (Exhibit L).

238 "Social security number" should be added to page 1a, section 1, sub 2, sub (b).

224 MOTION: REP. DOMINY: Moves the words "social security number," be added before "and" in sub (b).

244 REP. NORRIS: What happened to the idea that a social security number could not be mandated or revealed for other than social security

purposes unless you chose to do so? It seems that we would be remiss in mandating this.

260 CHAIR VanLEEuwEN: Repeats motion.

261 VOTE: CHAIR VanLEEuwEN: Hearing no objections, the motion carries.

268 MOTION: REP. DOMINY: Moves HB 2865-1 amendments, LC 2575, dated 5/4/93.

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

272 MOTION: REP. DOMINY: Moves HB 2865, AS AMENDED, to the full committee with a DO PASS recommendation.

278 CHAIR VanLEEuwEN: Repeats the motion.

285 REP. LUKE: Is this exactly like the senate bill we passed to full committee?

295 DAVE STERE, Department of Forestry: Yes, except for the relating clause.

309 FITCH: Yes, except for an addition regarding the effective date.

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

335 CHAIR VanLEEuwEN: The motion CARRIES.

353 REP. DELL will carry the bill.

364 CHAIR VanLEEuwEN: Closes work session on HB 2865.

WORK SESSION ON HB 2244

373 FITCH: HB 2239, independent of any other action would make violation of the statutes punishable as a misdemeanor. HB 2244, in the new section

8, would make violation of all those statutes an infraction, punishable by certain penalties. The reason for section 9 in HB 2244 is to take care of the conflict that might occur if both 2244 and 2239 pass. It simply says, if both measures pass, HB 2244 invalidates section 5 of HB 2239.

404 CHAIR VanLEEuwEN: So it stands alone okay if HB 2239 does not pass.

408 FITCH: That's correct. And if HB 2239 does not pass, section 9 would not be codified.

TAPE 81, SIDE A

002 MOTION: REP. DOMINY: Moves hand engrossed by staff HB 224 4-1 amendments, LC 939, dated 4/29/93 to the full committee with a DO PASS

recommendation.

009 CHAIR VanLEEuwEN: Repeats motion.

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

020 CHAIR VanLEEuwEN: The motion CARRIES.

022 REP. DOMINY will carry the bill.

024 CHAIR VanLEEuwEN: Closes work session on HB 2244.

040 Meeting is adjourned at 5:30.

Also submitted for the record: - Testimony in favor of HB 2913 from Michael Oxman (Exhibit M).

Submitted by:

Reviewed by:

Sue Nichol  
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2244 - Hand engrossed amendments HB 2244-1 (LC 939)  
dated 4/29/93 - Staff - 13 pages B - HB 3298 - Preliminary staff

measure summary - Staff - 2 pages C - HB 3298 - Fiscal impact  
statement - Staff - 1 page D - HB 3298 - Testimony - Kathy  
LeCompte - 1 page E - HB 3298 - Testimony - Donna Glathar - 2  
pages F - HB 3298 - Testimony - Lisa Clemo - 4 pages G -  
HB 3298 - Testimony - Bonnie Reel - 7 pages H - HB 3298 -  
Testimony - Ray Craig - 2 pages I - HB 3298 - Testimony - Douglas  
County Board of Commissioners - 2 pages J - SB 117A - Hand  
engrossed by staff 4/16/93 amendments - Staff - 2 pages K -  
HB 2213 - Hand engrossed by staff amendments - Staff - 1 page L - HB  
2865 - Hand engrossed by staff HB 2865-1 amendments (LC 257 5)  
5/4/93 - Staff -10 pages M - HB 2913 - Testimony - Michael Oxman  
- 3 pages