

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

June 2, 1993 Hearing Room D 3:30 p.m. Tapes 99 - 100

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

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

MEASURES CONSIDERED:

HB 3656 - Public Hearing and Work Session HB 2241 - Public Hearing HB 3092 - Public Hearing and Work Session HB 3404 - Public Hearing and Work Session

WITNESSES: Rep. Lee Beyer, District 42 Burton Weast, Special Districts Association Bob Duey, Willamette Park and Recreation District Bob Hocks, Department of Agriculture Dave Nelson, Oregon Seed Council Tom Burns, Oregon Seed Trade Association Mike Weber, Central Oregon Seeds Bruce Anderson, Oregon Home Builders Association Phyllis Shoemake, Legislative Assistant to Rep. Walden Dennis Bryson, Multnomah county Rural Fire Protection District David Wright, Oregon Parks and Recreation Department

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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 99, SIDE A

005 CHAIR VanLEEuwEN: Calls the meeting to order at 3:45. PUBLIC HEARING ON HB 3404

022 REP. LEE BEYER, District 42: HB 3404 allows counties to transfer certain property to park and recreation districts.

040 CHAIR VanLEEuwEN: What does it do about bypassing Ballot Measure 5?

043 REP. BEYER: It has nothing to do with that.

046 CHAIR VanLEEuwEN: Don't park districts come under something different?

047 REP. BEYER: It doesn't change their tax liabilities at all.

050 REP. LUKE: We exchange land in Deschutes County all the time. What's in the law that keeps Lane County from doing that?

055 REP. BEYER: The law is silent about conveying land to park districts. That's been interpreted as a prohibition.

061 BURTON WEAST, Special Districts Association: Control may be exchanged; but actual conveyance is prohibited.

069 REP. LUKE: Is there another ordinance that says a city can do it?

070 REP. BEYER: On line 27 of the bill.

072 REP. LUKE: You said in your testimony that in order to do this now you give the land to the City and the City gives it to the park district.

Is there another ordinance that says the City can give it to the park district?

077 REP. BEYER: There's another statute that allows it.

079 REP. JOSI: How does this affect home rule counties?

082 REP. BEYER: It affects them the same way.

085 REP. JOSI: Would this be a part of a home rule county's charter?

088 REP. BEYER: This is the enabling statute that specifies what a county can do. A county can be more restrictive, but it couldn't be less

restrictive.

096 BOB DUEY, Willamette Park and Recreation District: Supports the bill.

099 CHAIR VanLEEuwEN: Closes the public hearing on HB 3404.

PUBLIC HEARING ON HB 3656

111 CATHERINE FITCH: HB 3656 increases seed retailer license fees from \$20 to \$40 and the seed wholesaler's fees from \$175 to \$400 to replace

General Fund support cut from the state Department of Agriculture budget (Exhibit A). A fiscal impact is submitted (Exhibit B).

131 CHAIR VanLEEuwEN: Why is one FTE needed?

133 BOB HOCKS, Department of Agriculture: That is a position that is in place now and needs to be maintained.

138 DAVE NELSON, Oregon Seed Council: This bill was proposed in

order to maintain the seed section in the Department of Agriculture.
Submits

information on the Oregon Department of Agriculture seed functions
(Exhibit C).

169 TOM BURNS, Oregon Seed Trade Association: Supports the
increase in license fees so the services of the Department of
Agriculture can be
maintained.

196 MIKE WEBER, Central Oregon Seeds: This increase is needed to
maintain the Department of Agriculture's seed functions.

219 The bill increases the caps for these licenses. It does not set
the fee at these amounts.

240 REP. MARKHAM: How come the growers don't participate in this?

245 NELSON: The grower pays for the presentation of the certified
seed to the wholesaler and pays for all the testing up to that point.

303 REP. DOMINY: Do you represent everyone beyond the farmer?

309 NELSON: No, I represent a grower organization which has combined
with some trade involvement. Mr. Burns represents a dealer
organization.

316 REP. DOMINY: How many grass seed dealers belong to your
organization?

322 NELSON: They don't all belong. The bulk of them probably
belong.

235 BURNS: It's a high percentage of dealers who belong.

327 REP. DOMINY: They still have to go through the
Department of Agriculture, whether they belong or not? The Department of
Agriculture

collects the money?

330 NELSON: Correct.

333 WEBER: The Oregon Seed Trade Association represents the
dealers exclusively. Probably 90% belong to the organization.
There are

several growers that are dealers also.

344 REP. DOMINY: When a decision was made to increase these fees, was
there a membership vote?

351 WEBER: The Oregon Seed Trade has a board of directors. This
bill was also discussed at the midwinter Oregon Seed Trade meeting
which is

usually attended by 80 to 90% of those people who belong.

366 BURNS: Every member is allowed to bring up any subject at these round table discussions. This subject was brought up at our midwinter round

table meeting.

383 REP. LUKE: How does one person inspect 1,000 people?

TAPE 100, SIDE A

005 HOCKS: We don't inspect everyone every year.

016 REP. LUKE: Do you travel to these facilities to inspect them?

017 HOCKS: We do travel to these facilities.

021 REP. LUKE: Would that be in your agency overhead of \$8,967?

022 HOCKS: I think it would be considered in the services portion.

023 REP. NORRIS: Are there processors that are neither wholesalers, retailers or growers?

030 NELSON: Most wholesale seed companies sell to an intermediary who breaks it down into smaller boxes. There are about 300 grower owned

seed cleaners who prepare the seed and deliver it to the companies.

043 REP. FISHER: What about catalog sales?

047 NELSON: I don't think we have any volume of catalog sales out of the state of Oregon.

058 REP. FISHER: What about retailers who sell seeds in Oregon from other states. Do these retailers come under the same standards?

061 HOCKS: They come under the same regulations that Oregon seed growers do.

068 CHAIR VanLEEUEWEN: This applies to all agricultural seeds?

070 NELSON: Yes.

072 CHAIR VanLEEUEWEN: What happens to the small grocery store that sells onion sets in packages larger than 1/2 pound?

077 HOCKS: Onion sets aren't regulated under the seed bill. No one selling seed in smaller packages than 1/2 pound would need to be licensed.

086 CHAIR VanLEEUEWEN: Are those people aware of this, that the license fee may be doubled?

089 NELSON: They haven't come in to testify in opposition.

093 CHAIR VanLEEUEWEN: Would you have to pay three fees, one for each location?

097 BURNS: We pay one fee.

100 HOCKS: Each location would need a license if seed were being sold from each location.

107 BURNS: We would have a retail license for each location. For wholesale sales, regardless of which warehouse it comes out of, it's being sold

out of the Albany location.

110 CHAIR VanLEEUEWEN: I got the feeling that if you're wholesaling, you don't have to have a retail license.

111 What if the multiple license requirement was removed?

121 HOCKS: I'm not prepared to say what effect that would have on our budget.

139 REP. FISHER: How long have you been under the present fee caps?

141 NELSON: The cap just changed in 1991.

145 REP. FISHER: So basically, the cap is going to be what you pay?

153 NELSON: For this cap, the calculations started out at \$340 for wholesale seed dealers.

158 HOCKS: Prior to 1991, our caps were \$100 for wholesale licenses and our fees were set at \$75 for quite a long time.

162 REP. LUKE: What will happen the next biennium?

165 NELSON: This will be totally fee-funded by that time. The fee may be adjusted minimally for inflation.

174 We would guess we could stay under this cap for 5 years.

180 WEBER: A lot of the other money we raise comes from fees paid to the inspector when he or she comes out.

199 REP. LUKE: We don't want to make the fee bigger than is needed.

233 BURNS: As long as we're getting good value from the Department, we will be willing to pay for that value. 242 REP. FISHER: What percentage of seed growers are members of the Seed Council?

243 NELSON: Explains the membership of the Oregon Seed Council.

266 CHAIR VanLEEUEWEN: Closes public hearing on HB 3656.

WORK SESSION ON HB 3656

272 MOTION: REP. DOMINY: Moves HB 3656 to the full committee with a DO PASS recommendation.

273 CHAIR VanLEEUEWEN: Restates motion.

275 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM, DELL and JOSI are EXCUSED. REPS. DELL and JOSI later vote

AYE.

289 CHAIR VanLEEuwEN: The motion CARRIES.

290 CHAIR VanLEEuwEN will carry the bill.

292 CHAIR VanLEEuwEN: Closes work session on HB 3656.

PUBLIC HEARING ON HB 2241

300 FITCH: HB 2241 has been heard previously; it has since been amended to remove the section requiring power companies to do some special things

relating to fire protection from powerlines. The amended bill includes

Section 1 which states that lots with manufactured dwellings on them are considered to be improved for fire protection purposes. Section 2

extends Department authority in terms of campfires. Section 3 addresses the types of building materials that may be used in Wildfire Hazard

Zones in spite of covenants which may exist (Exhibit D).

345 BRUCE ANDERSON, Oregon Home Builders Association: Section 3 pertains to roofing materials required in covenants and restrictions. It would

allow removal of a roof dictated by a covenant, and replacement by a fire resistant roof.

TAPE 99, SIDE B

017 REP. MARKHAM: What does the back page mean?

033 ANDERSON: If you were in a Wildfire Hazard Zone, and you had a covenant that said you had to have a cedar shake roof, you could put on a fire

resistant roof and your neighbor or couldn't sue you.

044 REP. MARKHAM: If you had a cedar shake roof on your house, could you sell it?

046 ANDERSON: I don't believe this would affect that.

063 REP. LUKE: If this was passed, could someone take off their cedar shake roof and put on a metal roof?

075 ANDERSON: You could be challenged on that.

085 REP. LUKE: This amendment says your neighbor or couldn't challenge you.

089 REP. DOMINY: Who worked on this language?

092 ANDERSON: The Department of Forestry, the Oregon State Bar person assigned to real estate issues, the Oregon Land Title Association.

098 REP. DOMINY: What about the State Building Codes people?

100 FITCH: They have seen it and they didn't have a problem with it.

104 REP. LUKE: Before we vote on it in full committee the issue of what alternatives would be acceptable needs to be resolved.

107 ANDERSON: As I understand it, if your restriction had shake roofs, I don't think you'd want to replace that with anything that was flammable.

118 CHAIR VanLEEUEWEN: It looks like there needs to be an amendment that if they are going to change their roof it still needs to be within the

integrity of the community aesthetics.

130 ANDERSON: I think this would make it more complex.

139 CHAIR VanLEEUEWEN: This says they don't have any control over you, even though you are governed by covenants, in what you exchange that roof

for.

145 REP. NORRIS: I think this is a fair statement and I think it will get complicated if we determine color, etc.

153 REP. LUKE: This doesn't deal with building codes, it deals with covenants and restrictions.

164 REP. DELL: It seems to me that this says that if you're in a Wildfire Hazard Zone, you can do whatever you want for safety reasons.

184 REP. FISHER: This merely says that you can replace it, it doesn't say you have the right to change the color.

193 REP. LUKE: It says you cannot sue someone because they violate the covenants.

214 REP. MARKHAM: Aren't we just trying to prevent fires?

225 CHAIR VanLEEUEWEN: Closes public hearing on HB 2241.

PUBLIC HEARING ON HB 3092

235 FITCH: HB 3092 refines existing Oregon Statute that provides for cost reimbursement between agencies and other fire or public safety districts in the Columbia Gorge National Scenic Area. Amendments are submitted

(Exhibit E).

277 REP. LUKE: Even though the park didn't call the fire protection district, did they just want the park to burn?

280 FITCH: The disputed case involved a public safety issue and someone called for assistance who was not a park employee.

287 PHYLLIS SHOEMAKE, Legislative Assistant to Rep. Walden: Reads testimony from Rep. Walden in favor of HB 3092 (Exhibit F).

333 DENNIS BRYSON, Multnomah County Rural Fire Protection District: Reads testimony in favor of HB 3092 (Exhibit G).

386 REP. MARKHAM: Have you spoken with the new State Parks Director about your problems?

387 BRYSON: No.

390 REP. DELL: Is the purpose collecting more or collecting faster?

399 BRYSON: It is to compensate the taxpayers of the district for providing services to the state parks system.

400 REP. DELL: You turn in your request based on actual costs right now and there have been delays in getting paid?

401 BRYSON: We made a contract with State Parks, but we've still had difficulty in getting paid.

TAPE 100, SIDE B

012 REP. NORRIS: Are the state parks a part of your district?

015 BRYSON: They are in our district.

018 REP. NORRIS: You are obligated to answer emergency calls in the state park?

020 BRYSON: Yes.

023 DAVID WRIGHT, Oregon Parks and Recreation Department: Reads testimony in opposition to HB 3092 because of the fiscal impact it would create

(Exhibit H).

054 REP. DOMINY: Our financial impact statement says there is an indeterminate amount of financial impact (Exhibit I). Do you have an

amendment to mitigate the financial impact? 059 WRIGHT: We would propose an amendment that the fire district would seek reimbursement from the individuals necessitating the call.

071 REP. LUKE: Would there be a charge to an individual property owner for your services in addition to property taxes already paid?

077 BRYSON: No.

083 REP. LUKE: What is the \$7,000 for that you pay?

084 WRIGHT: It covers any service that the fire service provides within a state park. It's a flat payment.

088 REP. LUKE: Do your charges start after the \$7,000?

090 BRYSON: The \$7,000 covers all the services.

097 REP. LUKE: If State Parks was paying property taxes, what would they pay for your portion on that acreage?

100 WRIGHT: It's difficult to say, but it may be about \$20,000.

108 CHAIR VanLEEuwEN: How do these payments work?

112 BRYSON: We do not bill beyond the \$7,000. The bill would provide some guidelines in setting the contract.

145 CHAIR VanLEEuwEN: Should the local taxpayers pay for these services?

155 WRIGHT: One of our concerns is that we have no control over a lot of the accidents in the park.

182 REP. MARKHAM: Does the \$7,000 cover your costs?

184 BRYSON: It pays for about half of our costs.

191 REP. NORRIS: This would provide the parameters for the construction of a contract?

193 BRYSON: Yes.

200 REP. LUKE: You have to provide the service no matter what. What keeps the Parks Department from paying less than this?

205 BRYSON: So far that's been done by the intervention of the state legislature.

211 REP. LUKE: Was the negotiated amount of \$7,000 in good faith from your standpoint?

212 BRYSON: Previous to that, it was not a good arrangement.

215 REP. NORRIS: Is this \$7000 paid in advance?

220 BRYSON: Yes.

218 REP. NORRIS: What are the issues that you said that you weren't paid for these things.

220 BRYSON: Previous to 1989, we submitted bills. These were not paid.

232 FITCH: The changes we are considering would be applicable outside of the contract. If you did not have a contract, the statute would come

into play?

235 BRYSON: Yes.

238 REP. JOSI: This bill would allow you to raise more than \$7,000?

249 BRYSON: It would give us the parameters to work out a contract.

250 REP. FISHER: How much have you spent?

261 BRYSON: About 8% of our calls are to state parks. That would be about 15 to 20 calls per year.

267 REP. FISHER: Is \$7,000 roughly 8% of your budget?

270 BRYSON: No, it's 4%.

271 REP. JOSI: This will have a fiscal impact on state parks?

275 BRYSON: It will give us a parameter to negotiate within.

WORK SESSION ON HB 3092

297 MOTION: REP. NORRIS: Moves the amendments reflected on the Hand Engrossed by Staff version of HB 3092-1 be adopted.

300 VICE-CHAIR DOMINY: Hearing no objection, the AMENDMENTS are ADOPTED.

304 MOTION: REP. NORRIS: Moves HB 3092, AS AMENDED, to the full committee with a DO PASS recommendation.

305 VICE-CHAIR DOMINY: Restates motion.

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

318 VICE-CHAIR DOMINY: The motion CARRIES. 320 Asks for unanimous consent to allow Rep. Dell and Rep. Josi to vote on HB 3656.

322 VOTE: REPS. DELL and JOSI vote AYE on HB 3656.

333 REP. DOMINY will carry the bill.

WORK SESSION ON HB 3404

340 MOTION: REP. DOMINY: Moves HB 3404 to full committee with a DO PASS recommendation.

350 REP. LUKE: The bill legalizes everything all the counties have been doing anyway.

352 CHAIR VanLEEUEWEN: Restates motion.

354 REP. FISHER: What happens if the park and recreation district? Does the land go back to the county?

358 FITCH: There is no conveyance required. The ownership of the property would have to be handled in whatever way that park district charter is

written.

365 REP. LUKE: The parks district is made up of the people that live within that district. The property would still belong to all the people in

that district.

374 REP. FISHER: There are charges on these parks.

380 REP. LUKE: No, they do not pay taxes on their parks.

382 REP. FISHER: If the parks district takes it over, aren't they then responsible for repair and upkeep? Who pays the bills if they dissolve?

383 REP. LUKE: The voters in the district.

388 BURTON WEAST: The statute provides for dissolution.

403 REP. FISHER: The assets wouldn't include the property?

405 WEAST: The assets would include the property.

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

449 CHAIR VanLEEuwEN: The motion CARRIES.

449 CHAIR VanLEEuwEN will carry the bill.

450 CHAIR VanLEEuwEN: Closes work session.

Meeting adjourned at 5:40.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 3656 - Preliminary Staff Measure Summary - Staff - 1 page
B - HB 3656 - Fiscal Impact Statement - Staff - 1 page C -
HB 3656 - Information - Dave Nelson - 1 page D - HB 2241 -
Hand Engrossed Amendments - Staff - 4 pages E - HB 3092 - Hand
Engrossed Amendments - Staff - 1 page F - HB 3092 - Testimony -
Rep. Walden - 1 page G - HB 3092 - Testimony - Dennis Bryson - 8
pages H - HB 3092 - Testimony - David Wright - 2 pages I -
HB 3092 - Fiscal Impact Statement - Staff - 1 page