

HOUSE COMMITTEE ON NATURAL RESOURCES

April 22, 1993 Hearing Room D 4:00 p.m. Tapes 28 - 29

MEMBERS PRESENT: Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair Rep. Marilyn Dell Rep. Sam Dominy Rep. Tim Josi Rep. Dennis Luke Rep.

MEMBER EXCUSED: Rep. Bill Fisher Rep. Nancy Peterson

STAFF PRESENT: Catherine Fitch, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED: Work Session - HB 2210 - HB 2581 - HB 2835 - HB 2862 - HB 3087 - HB 3328 - HB 2927 - HJM9 - HJM11 - HJR 35 -

WITNESSES: PHIL WARD, Department of Agriculture

[--- Unable To Translate Graphic ---]

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation :

TAPE 28, SIDE A

005 CHAIR BAUM: Calls meeting to order at 4:03 p.m. OPENS WORK SESSION ON HB 2210

017 REP. REPINE: House Bill 2210 was introduced by the Department of Agriculture, and changes the language in the statutes to confo

035 CHAIR BAUM: For the record, we need to excuse Reps. Fisher and Peterson.

036 MOTION: REP. DOMINY: Moves HB 2210 to the floor with a DO PASS RECOMMENDATION.

039 CHAIR BAUM: Restates motion and calls for discussion.

040 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, REPINE and CHAIR BAUM vote AYE. REP. VanLEEUWEN is ABSENT. R
FISHER and PETERSON are EXCUSED.

047 CHAIR BAUM: The motion CARRIES. REP. DOMINY will lead discussion on the floor.

Additions to the record: HB 2210 Preliminary Staff Measure Summary (EXHIBIT A) HB 2210 Fiscal Analysis and Revenue Impact Analysis (EXHIBIT

CLOSES WORK SESSION ON HB 2210

OPENS WORK SESSION ON HB 2581

050 CATHERINE FITCH, Committee Administrator: House Bill 2581 attempts to take care of a loophole in existing law, and was introduced
Markham. Currently, if an individual wishes to sue a landowner
regarding the misapplication of or damage from pesticides, they must
file a report with the Department of Agriculture, but does not require
that the landowner who used the pesticide be notified. This bill would
require notification to be given to the landowner.

074 MOTION: REP. MARKHAM: Moves HB 2581 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as AMENDED by the HB 2581-1 AMENDMENT
1841, dated 4-20-93.

077 CHAIR BAUM: Restates motion and calls for discussion.

079 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUWEN and CHAIR BAUM vote AYE. REPS. FISHER
PETERSON are EXCUSED.

085 CHAIR BAUM: The motion CARRIES. REP. MARKHAM will lead discussion on the floor.

Additions to the record: HB 2581 Hand-Engrossed with HB 2581-1 Amendments (LC 184) dated

4-20-93 (EXHIBIT C) HB 2581 Preliminary Staff Measure Summary (EXHIBIT D) HB 2581 Fiscal Impact Assessment and Revenue Impact Analysis (EXHI

CLOSES WORK SESSION ON HB 2581

OPENS WORK SESSION ON HB 2835

094 REP. REPINE: House Bill 2835 was introduced by the Oregon Manufactured Housing Association, the Oregon State Tenants Association,
Mobile Home Owners Association. In 1989, the legislature required
communities with populations over 2,500 to designate significant
single-family land to meet the need for individually-sited manufactured homes. A compliance date of January 1991 was established. Some citi
have accomplished that task, whereas others have not. This bill
mandates that all counties and cities amend their comprehensive plans to allow the siting of manufactured homes. House Bill 2835 would o
apply to sites within urban growth boundaries, and does not apply to
historic districts or land adjacent to historic landmarks. In today's
meeting materials, there is a letter from Greg Wolf (EXHIBIT F) of the

Department of Land Conservation and Development (DLCD) dated April 19, 1993 which rescinds the fiscal impact initially indicated when the bill was first heard.

The -1 amendments contain an addition offered by Oregon Manufactured Housing Association, which addresses concerns regarding existing covenants or restrictions in neighborhoods.

135 MOTION: REP. DOMINY: Moves HB 2835 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as AMENDED by the HB 2835-1 AMENDMENTS 1312, dated 3-22-93.

138 CHAIR BAUM: Restates motion and calls for discussion.

140 REP. DOMINY: The letter from Greg Wolf clarifies that the only cities and counties which need to develop a new comprehensive plan which have not already complied with the 1989 legislative mandate.

The Oregon Manufactured Housing Association has provided us with a list (EXHIBIT G) of the cities which have already complied with the 1989 legislation. Representatives from cities who testified earlier against this bill probably assumed they would have to redo their existing comprehensive plans.

166 REP. DELL: The amendments could be interpreted to only affect existing covenants. Will this also affect future covenants?

172 REP. DOMINY: Yes. They affect future covenants also.

194 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER PETERSON are EXCUSED.

202 CHAIR BAUM: The motion CARRIES. REP. DOMINY will lead discussion on the floor.

Additions to the record: HB 2835 Hand-Engrossed with HB 2835-1 Amendments (LC 1312), dated 3-22-93 (EXHIBIT H) HB 2835 Preliminary Staff Measure Summary (EXHIBIT I) HB 2835 Revenue Impact Analysis and Fiscal Impact Assessment (EXHIBIT J)
CLOSES WORK SESSION ON HB 2835

OPENS WORK SESSION ON HB 2862

206 CHAIR BAUM: This bill authorizes homesite values for certain homes on farmland or forestland for property tax purposes.

210 MOTION: REP. HOSTICKA: Moves HB 2862 to the HOUSE COMMITTEE ON REVENUE with NO RECOMMENDATION.

220 REP. REPINE: We had two hearings on this subject in the Subcommittee on Environment and Energy. In both hearings, we heard concerns regarding land values from county assessors.

241 REP. VanLEEUEWEN: If it is important for Oregon to preserve its contiguous EFU (Exclusive Farm Use) land, farmland owned by farmers should be assessed at a lower rate in order to keep the land contiguous.

267 REP. LUKE: This bill is a tax bill. Testimony in subcommittee showed how this property is being assessed differently in different counties.

279 REP. HOSTICKA: I hope Rep. VanLeeuwen will state the intent of this bill to the Committee on Revenue as clearly as she expressed in her testimony.

306 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER PETERSON are EXCUSED.

316 CHAIR BAUM: The motion CARRIES. REP. VanLEEUEWEN will provide the Committee on Revenue with a clear explanation of the bill.

321 REP. REPINE: I would recommend that we prepare a letter which explains that this bill was moved to the House Committee on Revenue because it addresses a tax-related issue. The bill has merit, but is outside the committee's spectrum since it is more of a tax bill than a land-use bill.

335 CHAIR BAUM: We will ask staff to draft a letter to that effect. Rep. Repine and I will sign the letter.

337 REP. DELL: There is also a policy question, which is whether we feel it's good public policy to give a benefit to retired farmers by sending it to the House Committee on Revenue with no recommendation, we're saying we don't know enough about the tax issue, but we're skirting the policy decision. We may want to address the policy decision in the letter.

351 REP. HOSTICKA: The policy issue is whether we want to maintain land in contiguous parcels. I am in favor of that policy. Whether a tax can be written in a way which will accomplish that objective is something I cannot evaluate due to the way the bill is written.

364 CHAIR BAUM: CLOSES WORK SESSION ON HB 2862

OPENS WORK SESSION ON HB 3087

370 CHAIR BAUM: This bill requires compensation to be paid by regulating entities for certain types of regulation affecting private pro
Forestry to further amend the bill by limiting it to state action or
action wherein the state exceeds the federal mandates placed upon it.

378 MOTION: REP. VanLEEUEWEN: Moves HB 3087 back to the SUBCOMMITTEE on AGRICULTURE AND FORESTRY.

380 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

Additions to the record: HB 3087 Hand-Engrossed with HB 3087-5 Amendments (LC 1169-1) dated

4-19-93 (EXHIBIT K) HB 3087 Preliminary Staff Measure Summary (EXHIBIT L) HB 3087 Revenue Impact Analysis (EXHIBIT M)

383 CLOSES WORK SESSION ON HB 3087

OPENS WORK SESSION ON HB 3328

384 REP. DELL: The purpose of this bill was simply to provide one definition and one delineation process for wetlands. Current
significant study is being conducted by the National Academy of
Sciences. When that is completed, Oregon will have a chance to analyze
it and recommend changes to the 1995 legislature. Until that time, the
1987 manual from the U.S. Army Corps of Engineers is the delineator
which should be used by everyone.

TAPE 29, SIDE A

004 REP. VanLEEUEWEN: Does the 1987 manual contain a stricter definition of wetlands than the 1989 version?

006 REP. DELL: I'm not comfortable stating whether one is more strict than another.

016 REP. LUKE: The purpose of the bill is to reference the manual they are currently using.

028 REP. DELL: I want to insure that a memorandum from the Division of State Lands (EXHIBIT N) is part of the record. This clarifies
bill's intent, which is a mandate to use the 1987 manual and to return
during the 1995 legislative session with a report on findings from the

study by the National Academy of Science. 032 MOTION: REP. DELL: Moves HB 3328 to the floor with a DO PASS AS AMENDED RECOMMENDATION
3327 dated 4-16-93.

033 CHAIR BAUM: Restates motion and calls for discussion.

035 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER
PETERSON are EXCUSED.

050 CHAIR BAUM: The motion CARRIES. REP. DELL will lead discussion on the floor.

Additions to the record: HB 3328 Hand-Engrossed with HB 3328-2 Amendments (LC 3327) dated

4-16-93 (EXHIBIT O) HB 3328 Preliminary Staff Measure Summary (EXHIBIT P) HB 3328 Fiscal Impact Assessment and Revenue Impact Analysis (EXHIBIT Q)

CLOSES WORK SESSION ON HB 3328

OPENS WORK SESSION ON HB 2927

055 FITCH: House Bill 2927 is the amalgamation of eight measures which were heard by the Subcommittee on Agriculture and Forestry regarding
its original form, it was submitted at the request of the Association of Oregon Loggers and others. Included in today's meeting materials is
Summary of Components dated April 14, 1993 (EXHIBIT R), which attempts

to highlight pertinent parts of the bill which affect existing law. The bill adds an evidentiary hearing process to the potential listing of
threatened or endangered species by the state of Oregon, and requires
that a proposal for listing include consideration of the social and
economic impacts on potentially affected communities. It changes the
language from "best available scientific data" to "sound verifiable
science."

079 REP. DOMINY: I want to point out a contentious area in Section 4, which states that a listing is void if not done within 24 months. A
bill makes it clear that if there is a federal recovery plan which is
sufficient, we don't need an Oregon plan.

089 MOTION: REP. DOMINY: Moves HB 2927 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as AMENDED by the HB 2927-2 AMENDMENTS
2015, dated 4-14-93.

093 CHAIR BAUM: Restates motion and calls for discussion.

094 REP. HOSTICKA: What is an "incidental taking?"

096 FITCH: A "taking" of a threatened or endangered species could be termed as the removal of habitat or the harming of a creature. An "in

permission" would be the authorization of an activity on an incidental basis which would harm the creature or the habitat. 115 REP. JOSI: When determining the level of spring chinook which can be caught during percent of endangered salmon is acceptable. The concept of "incidental" is already being practiced.

125 REP. HOSTICKA: What does "sound" mean in "sound verifiable science?"

129 REP. DOMINY: If two or three scientists conduct studies and come up with the same results, it is sound.

141 REP. HOSTICKA: Would you expect that same standard of science to be applied in assessing the economic and social impact on community industries?

156 REP. DOMINY: For the record, we would expect exactly the same kind of science for any and all participants in the Endangered Species

158 REP. HOSTICKA: How do you take into account the potential value of a species? Provides example of yew tree, which was previously undervalued, but is now overvalued and in danger of extinction.

189 REP. DOMINY: When going through this process, a species would go through a scientific examination to determine whether it is endangered would be made by the Oregon Department of Fish and Wildlife.

203 REP. HOSTICKA: Relying on science when extinction is irreversible is a flawed concept. Decisions based on this concept may be bad. Calls for the question.

VOTE: REPS. DOMINY, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. DELL and HOSTICKA vote NO. REPS. FISHER and PETERSON are EXCUSED.

244 CHAIR BAUM: The motion CARRIES. REP. DOMINY will lead discussion on the floor, assisted by REP. VanLEEUEWEN.

Additions to the record: HB 2927 Hand-Engrossed with HB 2927-2 Amendments (LC 2015) dated 4-14-93 (EXHIBIT S) HB 2927 Preliminary Staff Measure Summary (EXHIBIT T) HB 2927 Revenue Impact Analysis (EXHIBIT U)

251 CLOSES WORK SESSION ON HB 2927

OPENS WORK SESSION ON HJM9

253 FITCH: House Joint Memorial 9 is a follow-through on HB 2927, and would petition the President of the United States and Congress to take economic impacts of listing prior to placing a species on the Federal Threatened and Endangered Species List.

262 MOTION: REP. DOMINY: Moves HJM 9 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as AMENDED by the HJM 9-1 AMENDMENTS, 1810-1, dated 4-21-93.

265 CHAIR BAUM: Restates motion and calls for discussion.

269 VOTE: REPS. DOMINY, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. DELL, HOSTICKA and JOSI vote NO. FISHER and PETERSON are EXCUSED.

282 CHAIR BAUM: The motion CARRIES. REPS. DOMINY and VanLEEUEWEN will lead discussion on the floor.

Additions to the record: HJM9 Hand-Engrossed with HJM 9-1 Amendments (LC 1810-1) dated 4-21-93 (EXHIBIT V) HJM9 Preliminary Staff Measure Summary (EXHIBIT W) HJM9 Revenue Impact Analysis and Fiscal Impact Assessment (EXHIBIT X)

CLOSES WORK SESSION ON HJM9

OPENS WORK SESSION ON HJM11

290 CHAIR BAUM: House Joint Memorial 11 urges the Pacific Coast states, Idaho and British Columbia to join Oregon in an effort to fund hatchery-produced salmon, trout and steelhead.

298 REP. NORRIS: In the Subcommittee on Water, we passed this bill out in good faith. This morning during a meeting of the Coastal Caucus rather serious concerns arose which had not been brought up during previous testimony regarding potential mortality, the clipping of adipose fins, etc. We now need to review this information in the subcommittee.

321 MOTION: REP. MARKHAM: Moves HJM 11 back to the SUBCOMMITTEE ON WATER.

332 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objections, the motion CARRIES.

340 CLOSES WORK SESSION ON HJM11

OPENS WORK SESSION ON HJR 35

343 CHAIR BAUM: House Joint Resolution 35 requests the Governor to encourage intergovernmental cooperation for the marking of hatchery fish.

344 MOTION: REP. MARKHAM: Moves HJR 35 back to the SUBCOMMITTEE ON WATER.

346 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

CLOSES WORK SESSION ON HJR 35

OPENS WORK SESSION ON SB 113 A-Engrossed

349 FITCH: Senate Bill 113 as amended authorizes the Department of Agriculture to assess penalties for parties which have not renewed Department of Agriculture issues nearly 52,000 licenses each year, and approximately ten percent are more than sixty days delinquent. It costs the department between \$30 and \$40 to collect on a delinquent bill. They have suggested a penalty of \$30 for licenses up to \$100, or thirty percent of licenses which cost up to \$200.

386 CHAIR BAUM: Due to the fiscal impact, it must be referred to the House Committee on Appropriations.

395 MOTION: REP. MARKHAM: Moves to add a SUBSEQUENT REFERRAL to the HOUSE COMMITTEE ON APROPRIATIONS for SB 113 A-Engrossed.

396 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objections, the motion CARRIES.

399 MOTION: REP. MARKHAM: Moves SB 113 A-Engrossed to the floor with a DO PASS RECOMMENDATION with a SUBSEQUENT REFERRAL to the COMMITTEE ON APPROPRIATIONS.

404 CHAIR BAUM: Restates motion and calls for discussion.

405 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER PETERSON are EXCUSED.

414 CHAIR BAUM: The motion CARRIES. REP. DELL will lead discussion on the floor.

Additions to the record: SB 113 A-Engrossed Preliminary Staff Measure Summary (EXHIBIT Y) SB 113 A-Engrossed Fiscal Analysis and Revenue (EXHIBIT Z)

420 CLOSES WORK SESSION ON SB 113 A-Engrossed

OPENS WORK SESSION ON SB 405 A-Engrossed

TAPE 28, SIDE B

000 REP. LUKE: This bill provides fee schedules for plant nurseries which range from \$65 up to \$20,000 to pay for inspections for in disease to maintain the quality of stock for domestic and out-of-state sales. There was no negative testimony in the subcommittee.

004 MOTION: REP. LUKE: Moves SB 405 A-Engrossed to be referred to the COMMITTEE ON APPROPRIATIONS with a DO PASS RECOMMENDATION.

008 CHAIR BAUM: Restates motion and calls for discussion.

010 REP. REPINE: How would this affect non-profit nurseries?

013 PHIL WARD, Department of Agriculture: This bill alters the fee schedule, and actually lowers the annual fee for smaller nurseries may minimally increase the fee. The nursery industry brought this forward to allow a competent inspection program.

033 REP. REPINE: Are non-profits exempt?

034 WARD: I'm not aware of an exemption. If they're selling nursery stock to the public, they should hold a nursery license, and would be

041 REP. LUKE: In previous testimony, provisions were made so that the small country stores would not be overly burdened by this bill

046 WARD: The senate amendments attempt to ameliorate the impact on small retail licensees, so they won't see a significant increase.

057 REP. LUKE: I want to point out that there is no General Fund money in this bill.

060 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. FISHER PETERSON are EXCUSED.

065 CHAIR BAUM: The motion CARRIES. This bill will be referred to the Appropriations Committee.

Additions to the record: SB 405 A-Engrossed Preliminary Staff Measure Summary (EXHIBIT AA) SB 405 A-Engrossed Fiscal Analysis and Revenue (EXHIBIT BB)

CLOSES WORK SESSION ON SB 405 A-Engrossed

Adjourns meeting at 5:08 p.m.

Submitted by:

Reviewed by:

Karen McCormac

Kathryn Van Natta Assistant

Administrator

EXHIBIT LOG:

A - HB 2210 Preliminary Staff Measure Summary - Staff - 1 page B - HB 2210 Fiscal Analysis and Revenue Impact Analysis - Staff