

HOUSE COMMITTEE ON NATURAL RESOURCES

June 3, 1993 Hearing Room D 4:00 p.m. Tapes 43 - 44

MEMBERS PRESENT: Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair
Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep.
Dennis Luke Rep. Bill Markham Rep. Chuck Norris Rep. Nancy Peterson Rep.
Bob Repine Rep. Liz VanLeeuwen

STAFF PRESENT: Kathryn Van Natta, Committee Administrator
Catherine Fitch, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED: Work Session - HB 2097 - HB 2239 - HB 2243
- HB 2750 - HB 3124 - HB 3146 - SB 1010 A-Engrossed - SJM4 - SJM7
A-Engrossed - SJM17 - HB 2847 - HB 2962

WITNESSES: STEVE JACKY, Assistant State Forester,
Department of Forestry DONALD ARKELL, Director, Lane Regional Air
Pollution Authority (LRAPA)

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

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 43, SIDE A

005 CHAIR BAUM: Calls meeting to order at 4:08 p.m.

OPENS WORK SESSION ON HB 2097

009 CATHERINE FITCH, Committee Administrator: House Bill 2097 modifies veterinary licensing requirements. It is an "omnibus" bill, and

restricts a practitioner exemption to the licenser only, clarifies when a temporary license may be issued, allows people to appeal their exams, makes in-state and out-of-state experience requirements the same regarding licensure, requires first-year veterinarians to pay license fees, and enables the Board to refuse licensing due to disciplinary actions.

033 MOTION: REP. LUKE: Moves HB 2097 to the floor with a DO
PASS AS AMENDED RECOMMENDATION, as amended by the HB 2097-2 AMENDMENTS,
LC

838, dated 5-24-93, by the Subcommittee on Agriculture and Forestry.

040 CHAIR BAUM: Restates motion and calls for discussion.

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

051 CHAIR BAUM: The motion CARRIES. REP. LUKE will lead discussion on the floor.

Additions to the record: HB 2097 Staff Measure Summary (EXHIBIT A) HB 2097 Hand-Engrossed with HB 2097-2 Amendments (LC 838), 5-24-93

(EXHIBIT B) HB 2097 Fiscal Analysis and Revenue Impact Analysis (EXHIBIT C)

CLOSES WORK SESSION ON HB 2097

OPENS WORK SESSION ON HB 2239

055 FITCH: House 2239 does for the Department of Forestry what HB 2097 does for the Veterinary Medical Licensing Board. It allows forest protection associations to purchase supplies from the department, and allows the

department to contract with those associations. It also revises forest closure notices and allows the State Forester to set uniform standards for wildland fire training and education programs.

062 MOTION: REP. DOMINY: Moves HB 2239 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as amended by the HB 2239-1 AMENDMENTS, LC

892, dated 5-25-93, by the Subcommittee on Agriculture and Forestry.

065 CHAIR BAUM: Restates motion and calls for discussion.

070 REP. REPINE: This bill previously contained a contentious issue regarding changing the liability from \$300 to \$500.

071 FITCH: That was removed from the bill by the subcommittee.

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

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

Additions to the record: HB 2239 Staff Measure Summary (EXHIBIT D) HB 2239 Hand-Engrossed with HB 2239-1 Amendments (LC 892), 5-25-93

(EXHIBIT E) HB 2239 Fiscal Analysis and Revenue Impact Analysis (EXHIBIT F)

105 CLOSES WORK SESSION ON HB 2239

OPENS WORK SESSION ON HB 2243

107 MOTION: REP. LUKE: Moves that the rules be SUSPENDED for the purposes of RECONSIDERING the VOTE on HB 2243

109 CHAIR BAUM: Restates motion and calls for discussion.

By unanimous consent, at the request of Rep. Luke, the rules are suspended to reconsider the vote on HB 2243.

111 MOTION: REP. LUKE: Moves to RECONSIDER the VOTE by which HB 224 3 passed the House Natural Resources Committee.

113 CHAIR BAUM: Restates motion and calls for discussion.

By unanimous consent, at the request of the Chair, Committee Rule 2(a) is suspended to allow action by the Full House Natural Resources Committee on HB 2243.

117 FITCH: House Bill 2243 was amended to include an emergency clause. This bill deals with forest patrol assessments. I have been informed by legislative counsel that forest patrol assessments are considered taxes, and tax measures are not allowed to have emergency clauses.

136 REP. HOSTICKA: To clarify parliamentary procedure, we do not have to suspend the rules to reconsider the vote. We just have to make a motion to reconsider the vote, then suspend the rules to amend the bill.

142 MOTION: REP. LUKE: Moves to DELETE the EMERGENCY CLAUSE from HB 2243.

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

148 MOTION: REP. LUKE: Moves HB 2243 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as amended by the HB 2243-1 AMENDMENTS, LC

940, dated 6-1-93, by the Subcommittee on Agriculture and Forestry.

150 CHAIR BAUM: Restates motion and calls for discussion.

153 REP. HOSTICKA: This bill will increase the amount by which the state General Fund subsidizes fire protection costs for a certain segment of

our society. With all the other demands currently on the General Fund,

I do not think this is an appropriate thing to do.

162 REP. PETERSON: I concur with Rep. Hosticka. When the General Fund already has so many demands, we should not be using it for this type of legislation.

164 REP. LUKE: I would like to point out that they will not be spending this money unless there are fires.

166 CHAIR BAUM: Both points are well taken. In the eastern portion of the state, we've probably had enough moisture this year to get us safely

through the summer without any disasters.

168 REP. VanLEEuwEN: I don't think this necessarily increases the cost to the department, but provides insurance for those people who have it.

They assess the charge from those who do not.

170 STEVE JACKY, Assistant State Forester, Department of Forestry: All forestland owners share in the General Fund, which maintains the 45%

level which is currently supporting the landowners during this 1993-93 biennium. This bill would maintain that 45% level.

175 CHAIR BAUM: It is difficult to determine now what those costs might actually be. It depends on the number of fires, the number of claims,

etc.

177 JACKY: That is correct. The length and severity of the fire season actually dictates how much we will use up over a one-year period.

179 REP. VanLEEuwEN: I think I was confusing two bills.

181 REP. MARKHAM: Does the statute contain a maximum amount in the Fire Protection Fund?

182 JACKY: No, there is no maximum. It's essentially associated with the local fire district protection budgets.

191 VOTE: REPS. DELL, DOMINY, FISHER, JOSI, LUKE, MARKHAM, NORRIS, REPINE, VanLEEuwEN and CHAIR BAUM vote AYE. REPS. HOSTICKA and

PETERSON vote NO.

198 CHAIR BAUM: The motion CARRIES. REP. LUKE will lead discussion on the floor.

Additions to the record: HB 2243 Staff Measure Summary (EXHIBIT G) HB 2243 Hand-Engrossed with HB 2243-1 Amendments (LC 940), 6-1-93

(EXHIBIT H) HB 2243 Fiscal Analysis (EXHIBIT I) CLOSES WORK SESSION ON HB 2243

OPENS WORK SESSION ON HB 2750

204 FITCH: The -1 amendments to HB 2750 allow the Department of Agriculture to enter into proceedings for the creation of a regional commodity

commission. State law currently allows for statewide commodity

commissions, and this would allow those statutes to create a regional commission for apples.

221 MOTION: REP. VanLEEuwEN: Moves HB 2750 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as amended by the HB 2750-1 AMENDMENTS, LC 1802, dated 5-14-93, by the Subcommittee on Agriculture and Forestry.

224 CHAIR BAUM: Restates motion and calls for discussion.

229 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEuwEN and CHAIR BAUM vote AYE.

238 CHAIR BAUM: The motion CARRIES. CHAIR BAUM will lead discussion on the floor.

Additions to the record: HB 2750 Staff Measure Summary (EXHIBIT J) HB 2750 Hand-Engrossed with HB 2750-1 Amendments (LC 1802), 5-14-93

(EXHIBIT K) HB 2750 Fiscal Impact Assessment and Revenue Impact Analysis (EXHIBIT L)

CLOSES WORK SESSION ON HB 2750

OPENS WORK SESSION ON HB 3124

247 MOTION: REP. FISHER: Moves HB 3124 to the floor with a DO PASS RECOMMENDATION, as recommended by the Subcommittee on Agriculture and Forestry.

249 CHAIR BAUM: Restates motion and calls for discussion.

254 FITCH: This bill allows the Veterinary Examining Board to bring their investigatory powers brought up to date.

263 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEuwEN and CHAIR BAUM vote AYE.

272 CHAIR BAUM: The motion CARRIES. REP. FISHER will lead discussion on the floor.

Additions to the record: HB 3124 Staff Measure Summary, Revenue Impact Analysis and Fiscal

Impact Assessment (EXHIBIT M)

CLOSES WORK SESSION ON HB 3124

OPENS WORK SESSION ON HB 3146

277 MOTION: REP. NORRIS: Moves HB 3146 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as amended by the HB 3146-1 AMENDMENTS, LC

1366, dated 5-24-93, by the Subcommittee on Water.

280 FITCH: In 1991, legislation was passed which allowed the conversion of irrigation and drainage districts by public corporations. This was done to avoid restrictions that would be placed on them due to

Measure 5. In recent court decisions in Roseburg and Gresham, courts have held that

district assessments can be considered taxes. Under HB 3145, drainage and diking districts under HB 3146 would be given the option of making that conversion.

298 REP. FISHER: I believe that decision was overturned, and that drainage districts are no longer considered to be under the control of Ballot

Measure 5 (1990).

305 REP. JOSI: This bill has taken a long time to reach this committee because of recent court decisions, work with bond counsel, and the

Oregon Water Resources Council developing the language which would withstand the test of court cases.

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

328 CHAIR BAUM: The motion CARRIES. REP. JOSI will lead discussion on the floor.

Additions to the record: HB 3146 Staff Measure Summary (EXHIBIT N) HB 3146 Hand-Engrossed with HB 3146-1 Amendments (LC 1366), 5-24-93

(EXHIBIT O) HB 3146 Fiscal Analysis and Revenue Analysis (EXHIBIT P)

CLOSES WORK SESSION ON HB 3146

OPENS WORK SESSION ON SB 1010 A-ENGROSSED

335 MOTION: REP. NORRIS: Moves SB 1010 A-ENGROSSED to the floor with a DO PASS AS AMENDED RECOMMENDATION, as amended by the SB 1010

A-ENGROSSED -7 AMENDMENTS, LC 3540, dated 6-3-93, by the Subcommittee on Water, with a SUBSEQUENT REFERRAL to the APPROPRIATIONS COMMITTEE.

343 CHAIR BAUM: Restates motion and calls for discussion.

345 FITCH: Senate Bill 1010 A-Engrossed would permit the Department of Agriculture to develop agricultural water quality management plans for

non-forestland uses. This is currently a requirement of the Department of Environmental Quality. The agricultural community has expressed interest in having the Department of Agriculture as the administrative entity.

364 MOTION: REP. NORRIS: Moves SB 1010 A-ENGROSSED to the floor

with a DO PASS AS AMENDED RECOMMENDATION, as recommended by the Subcommittee on Water. 365 CHAIR BAUM: Restates motion and calls for discussion.

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

372 CHAIR BAUM: The motion CARRIES. No carrier is needed for this bill.

Additions to the record: SB 1010 Staff Measure Summary (EXHIBIT Q) SB 1010 Hand-Engrossed with SB 1010 A-Engrossed -7 Amendments (LC

3540), 6-3-93 (EXHIBIT R) SB 1010 Revenue Analysis (EXHIBIT S)

CLOSES WORK SESSION ON SB 1010 A-ENGROSSED

OPENS WORK SESSION ON SJM4

392 MOTION: REP. NORRIS: Moves SJM 4 to the floor with a DO PASS RECOMMENDATION, as recommended by the Subcommittee on Water.

394 CHAIR BAUM: Restates motion and calls for discussion.

397 FITCH: The United States Conservation Reserve Program was initiated in 1985, and is due for re-authorization in 1995. This gives money to

farmers with ten-year contracts to take soil out of crop rotation. It

urges Congress to extend this program for an additional ten years.

418 REP. REPINE: Rep. Hosticka pointed out that based on the number of people who participated and the amount of money which was distributed,

this payment came to about \$40,000 per year, so it's a good income for doing nothing.

420 CHAIR BAUM: Bruce Andrews of the Department of Agriculture testified that we have 417,000 acres in the Conservation Reserve Program.

428 FITCH: I believe that was 530,000 acres.

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

452 CHAIR BAUM: The motion CARRIES. REP. NORRIS will lead discussion on the floor.

TAPE 44, SIDE A

Additions to the record: SJM4 Staff Measure Summary, Revenue Impact Analysis and Fiscal

Impact Assessment (EXHIBIT T)

025 CLOSES WORK SESSION ON SJM4

OPENS WORK SESSION ON SJM7 A-ENGROSSED

025 Senate Joint Memorial 7 A-Engrossed memorializes Congress to amend the Marine Mammal Protection Act or return the management of fur-bearing

marine mammals to coastal states.

034 MOTION: REP. VanLEEuwEN: Moves SJM7 A-ENGROSSED to the floor with a DO PASS RECOMMENDATION, as recommended by the Subcommittee on Water.

037 CHAIR BAUM: Restates motion and calls for discussion.

040 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEuwEN and CHAIR BAUM vote AYE.

044 CHAIR BAUM: The motion CARRIES. REP. JOSI will lead discussion on the floor.

Additions to the record: SJM7 A-Engrossed Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment (EXHIBIT U)

050 CLOSES WORK SESSION ON SJM7 A-ENGROSSED

OPENS WORK SESSION ON SJM17

051 This bill memorializes states and provinces of the Pacific Northwest Economic Region to establish a timber value-added working group.

056 MOTION: REP. VanLEEuwEN: Moves SJM 17 to the floor with a DO PASS RECOMMENDATION, as recommended by the Subcommittee on Agriculture and Forestry.

058 CHAIR BAUM: Restates motion and calls for discussion.

064 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEuwEN and CHAIR BAUM vote AYE.

071 CHAIR BAUM: The motion CARRIES. REP. VanLEEuwEN will lead discussion on the floor.

Additions to the record: SJM17 Staff Measure Summary, Fiscal Analysis and Revenue Impact

Analysis (EXHIBIT V)

077 CLOSES WORK SESSION ON SJM17

OPENS WORK SESSION ON HB 2847

078 House Bill 2847 allows regional air pollution control authorities to adopt rules and standards, enter premises for inspection, and impose

civil penalties in Lane County.

095 MOTION: REP. HOSTICKA: Moves HB 2847 to the floor with a DO PASS RECOMMENDATION, as recommended by the Subcommittee on Environment and Energy.

097 CHAIR BAUM: Restates motion and calls for discussion.

099 REP. REPINE: Explains letter from Lane Regional Air Pollution Authority (EXHIBIT W), which was at the request of Rep. Markham, and which

describes the levels of enforcement which may be greater than those imposed by the Department of Environmental Quality.

107 DONALD ARKELL, Director, Lane Regional Air Pollution Authority (LRAPA): Yesterday when the Subcommittee on Environment and Energy had a work

session on HB 284, Rep. Markham requested a list of rules adopted by LRAPA which are more restrictive than those adopted by the Environmental Quality Commission.

I went through the rules that LRAPA has adopted which are more restrictive, and I was only able to find six rules, which I have outlined in my response. Reviews rules.

150 REP. VanLEEUEWEN: Are there exemptions allowed for low-income elderly who have no other heat source than their woodstoves?

152 ARKELL: Yes.

163 REP. FISHER: What kinds of emissions are made by shake mills?

164 ARKELL: They produce dust from sawing and convey sawdust by air conveyors through cyclones. They frequently operate in or near

residential or commercial areas, and we receive a number of nuisance complaints about shake mills from urban dwellers.

191 REP. FISHER: Material handed out yesterday states that the rules allow entry to any property when there is even a suspicion that air or water

pollution or contamination has occurred. It also states that the authority is essential under federal laws to fulfill enforcement obligations under the Clean Air Act. Does that include water pollution?

209 ARKELL: The basic statute under which these would be referenced pertains only to air quality. It does not extend our authority to water quality.

212 REP. FISHER: Yet you include water pollution in your regulations.

216 ARKELL: The underlying statute allows LRAPA to only regulate those matters pertaining to air quality. The statute is structured to refer

to "air, water, solid waste," etc. Our authority is similar, but we can only perform our regulatory responsibilities on matters pertaining to air.

240 REP. DOMINY: How long has LRAPA been in existence, and how long have these rules been in place?

241 ARKELL: The Regional Air Pollution Authority has been in existence in its modern incarnation since 1968. The rules outlined in my testimony

were adopted more recently.

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

273 CHAIR BAUM: The motion CARRIES. REP. WOOTEN will lead discussion on the floor.

Additions to the record: HB 2847 Staff Measure Summary, Revenue Impact Analysis and Fiscal

Impact Assessment (EXHIBIT X)

CLOSES WORK SESSION ON HB 2847

OPENS WORK SESSION ON HB 2962

273 CHAIR BAUM: House Bill 2962 makes State Highway 66 a scenic highway under the state Forest Practices Act.

276 MOTION: REP. PETERSON: Moves HB 2962 to the floor with a DO PASS RECOMMENDATION, as recommended by the Subcommittee on Environment and Energy.

278 CHAIR BAUM: Restates motion and calls for discussion.

309 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM, NORRIS, PETERSON, REPINE and CHAIR BAUM vote AYE. REP. VanLEEuwEN

votes NO.

320 CHAIR BAUM: The motion CARRIES. REP. PETERSON will lead discussion on the floor.

Additions to the record: HB 2962 Staff Measure Summary, Fiscal Analysis and Revenue Impact

Analysis (EXHIBIT Y)

335 CLOSES WORK SESSION ON HB 2962

Adjourns meeting at 5:20 p.m.

Submitted by:

Reviewed by:

Karen McCormac
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - HB 2097 Staff Measure Summary - Staff - 1 page B - HB 2097 Hand-Engrossed with HB 2097-1 Amendments (LC 838), 5-24-93 - Staff - 7 pages C - HB 2097 Fiscal Analysis and Revenue Impact Analysis - Staff - 2 pages D - HB 2239 Staff Measure Summary - Staff - 1 page E - HB 2239 Hand-Engrossed with HB 2239-1 Amendments (LC 892), 5-25-93 - Staff - 4 pages F - HB 2239 Fiscal Analysis and Revenue Impact Analysis - Staff - 2 pages G - HB 2243 Staff Measure Summary - Staff - 1 page H - HB 2243 Hand-Engrossed with HB 2243-1 Amendments (LC 940), 6-1-93 - Staff - 2 pages I - HB 2243 Fiscal Analysis - Staff - 2 pages J - HB 2750 Staff Measure Summary - Staff - 1 page K - HB 2750 Hand-Engrossed with HB 2750-1 Amendments (LC 1802), 5-14-93 - Staff - 12 pages L - HB 2750 Fiscal Impact Assessment and Revenue Impact Analysis - Staff - 2 pages M - HB 3124 Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment - Staff - 2 pages N - HB 3146 Staff Measure Summary - Staff - 1 page O - HB 3146 Hand-Engrossed with HB 3146-1 Amendments (LC 1366), 5-24-93 - Staff - 4 pages P - HB 3146 Fiscal Analysis and Revenue Analysis - Staff - 2 pages Q - SB 1010 Staff Measure Summary - Staff - 1 page R - SB 1010 Hand-Engrossed with SB 1010 A-Engrossed -7 Amendments (LC 3540), 6-3-93 - Staff -6 pages S - SB 1010 A-7 Revenue Analysis - Staff - 1 page T - SJM4 Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment - Staff -2 pages U - SJM 7 A-Engrossed Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment - Staff - 2 pages V - SJM 17 Staff Measure Summary, Fiscal Analysis and Revenue Impact Analysis - Staff - 3 pages W - HB 2847 Testimony - Donald Arkell - 3 pages X - HB 2847 Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment - Staff - 3 pages Y - HB 2962 Staff Measure Summary, Fiscal Analysis and Revenue Impact Analysis - Staff - 3 pages