

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: June 14, 1993 TAPES: 183 - 184 PLACE: Hearing Room C  
TIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn,  
Vice-Chair Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker  
Senator Gordon Smith Senator Shirley Gold

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research  
Associate Kus Soumie, Clerk

MEASURES HEARD: WORK SESSION HB 2682 PUBLIC HEARING HB 2581 PUBLIC  
HEARING HB 3389 PUBLIC HEARING HB 2396

INFORMATIONAL HEARING: DEQ: Report of Governor's Task Force on  
Motor Vehicle Emissions

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THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR  
SUMMARIZE STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN  
QUOTATION MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS  
OF THE PROCEEDINGS, PLEASE REFER TO THE TAPES.

TAPE 183 SIDE A

005 CHAIR CEASE: Calls meeting to order 8:00 a.m.

Opens work session on HB 2682.

WORK SESSION ON HB 2682

CHAIR CEASE: Reviews committee expectations of HB 2682 amendment.

Health Department has said that the amount of sulfite allowed in grapes  
prior to the time they reach the restaurant is not a health issue. We

want the bill to clearly indicate that once grapes reach the restaurant  
sulfites may not be added.

One of the major reasons is that the department does not have people  
trained to implement the original Section 2 of the bill.

020 TOM JOHNSON, OREGON HEALTH DIVISION: Agrees.

027 CHRIS WARNER, Committee Researcher: Reviews provisions of HB  
268 2-2 amendments (EXHIBIT A).

MOTION: SEN. COHEN: Moves adoption of HB 2682-2 amendments  
(EXHIBIT A).

VOTE: Without objection amendments are adopted.

MOTION: SEN. COHEN: Moves HB 2682, as amended, to the floor  
with a do pass recommendation.

VOTE: On a roll call vote, motion passes with Senators Cohen,

Kintigh, Shoemaker, and Cease voting Aye. Senators

Smith, Bunn, and Gold are excused.

048 CHAIR CEASE: The Chair will carry the bill.

Closes work session on HB 2682.

Opens public hearing on HB 2581.

PUBLIC HEARING ON HB 2581

WITNESSES: Pat Amadeo, Lone Rock Timber Dan Newton, Lone Rock Timber Charles Williamson, Oregon Trial Lawyers Association Terry Witt, Oregonians for Food and Shelter David Nebel, Oregon Legal Services

054 Staff measure summary for HB 2581 is submitted for the record (EXHIBIT B-1).

055 PAT AMADEO, LONE ROCK TIMBER: Testifies in support of HB 2581 stating that they feel the bill clears up a loophole in the pesticide

notification Act. Requests amendment and explains reason for request.

080 DAN NEWTON, LONE ROCK TIMBER: Reads written testimony in support of HB 2581A (EXHIBIT B-1).

126 SEN COHEN: What would notification have done for you?

133 NEWTON: If we had been notified within 60 days we would have been able to take foliage samples to clearly determine whether we had trespassed. This would have protected us and the land owner on whom we allegedly

trespassed. The problem is that the herbicides we use break down so quickly that a year later it is impossible to find residue.

156 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Gives overview of statutes dealing with pesticide spraying. States he feels the 60 day

time period to file notice of intent to bring suit is too short.

205 SEN. KINTIGH: How do we address the problem presented of the impossibility, in many cases, of gathering evidence?

210 WILLIAMSON: It can be difficult, but does not feel the bill addresses the issue. It is the obligation of the injured party to prove the case.

244 SEN. BUNN: If there is a land owner, applicator, and a tenant and you fail to give notice to one of those three, does it mean none of the

parties can be sued?

248 WILLIAMSON: Believes the statute says you can not sue anybody if all parties are not notified.

238 TERRY WITT, OREGONIANS FOR FOOD AND SHELTER: Testifies in support of HB 2581. A law suit filed on a pesticide application can be triggered by

first notice of damage, so to say that this must be within 60 days of application is incorrect. It is within 60 days of damage or first notice of damage which could be substantially later than 60 days.

292 DAVID NEBEL, OREGON LEGAL SERVICES: Testifies on HB 2581, reviews proposed amendment (EXHIBIT C), and urges committee consideration of the amendment.

387 CHAIR CEASE: Closes public hearing on HB 2581.

If the committee takes future action on HB 2581, there is a subsequent referral to Judiciary.

Opens public hearing on HB 2396.

PUBLIC HEARING ON HB 2396

WITNESSES: JOE FRENCH, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION BARRY MAMMANO, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION GREG WOLF, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT BOB SHIPRACK, HOUSE DISTRICT 23

400 HB 2396 staff measure summary is submitted for the record (EXHIBIT D).

385 JOE FRENCH, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION: Reviews provisions of and reasons for HB 2396.

TAPE 184 SIDE A

020 BARRY MAMMANO, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION:

Testifies in support of HB 2396.

040 GREG WOLF, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT: Testifies on HB 2396, and gives overview of effect HB 2396 may have. Believes

current version of the bill is an improvement over the original version but is concerned that we will end up putting a lot of things in statute that simply indicate what we believe is obvious - that this kind of resource management equipment is already permitted.

062 CHAIR CEASE: Do you know what the vote was in the House?

068 WOLF: I believe it was substantial.

074 SEN KINTIGH: Do you feel it would be a reasonable requirement to ask a log trucker to drive 30 miles each way and add to traffic congestion and air pollution, rather than park his truck at home?

083 WOLF: That is exactly the problem we are concerned about. We do not feel it is reasonable to ask the person to drive the 30 miles. Do not

think it is in the state's interest. Feels log equipment should be kept close to the resource base.

088 REP. BOB SHIPRACK, HOUSE DISTRICT 23: States his reason for introducing HB 2396. Attorney General letter (EXHIBIT D-1) was inconclusive. I

talked to Clackamas County and LCDC and got conflicting answers. This appears to be a grey area as to whether or not people can park log trucks on EFU zoned property.

Reviews House amendments to HB 2396.

125 CHAIR CEASE: It is my understanding that Clackamas County has already put on conditions. Is there concern about what the county has done?

Testimony suggests that if HB 2396 passed that county would not be affected.

127 REP. SHIPRACK: Unable to answer.

128 RON BOWERS, LOGGER: I still park some vehicles in an EFU zone. I have not been harassed to this point or required to do anything. We make

exceptional efforts to be good neighbors.

Concerned that urban people moving to the country want to bring urban rules with them. Believes that HB 2396 will address that concern.

150 MAURICE WELLFULL, TRUCKER: Testifies in support of HB 2396.

180 SEN. COHEN: Feels there have only been a few complaints in specific areas. Feels legislative action may not be justified.

200 JEFF BACHRACH, ATTORNEY: Testifies that Clackamas County does not allow log trucks in an EFU zone. One log truck owner was issued a temporary

conditioned permit.

Parking log trucks in an EFU zone is not allowed. Urges committee to continue to protect farm and forest lands for farm and forest purposes. The problem will grow as there is more encroachment of urban-type housing in rural areas.

Disagrees with parts of the assistant attorney general's letter (EXHIBIT D-1) because there seems to be confusion about whether the parking of

trucks is a use. Do not believe that the Land Use Board of Appeals could be convinced that parking a log truck is propagating a forest product. The assistant attorney general is obviously not familiar with rural laws. The opinion is confused and does not reach an ultimate conclusion.

285 SEN KINTIGH: What if this were some other type of truck like a beer truck or bread truck?

286 BACHRACH: Believes the policy of Oregon's rural law is to protect those uses that are traditionally found in Oregon's farm and forest zones.

290 WELLFULL: Rebuts Bachrach's testimony.

302 MIKE MILLER, ASSOCIATED OREGON LOGGERS: Testifies in support of HB 239 6 and urges its passage.

345 CHAIR CEASE: Closes public hearing on HB 2396.

Opens public hearing on HB 3389.

PUBLIC HEARING ON HB 3389

333 CHRIS WARNER, COMMITTEE RESEARCH ASSOCIATE: Reviews provisions of HB 3389 which would enable PUC to allow public utilities to incorporate

tree planting for small scale programs to reduce carbon dioxide emissions as part of their rate schedule.

360 CHAIR CEASE: Notes no witnesses present. Will bring back when PUC comments.

Closes public hearing on HB 3389.

INFORMATIONAL HEARING: DEQ Report on Motor Vehicle Emissions

TAPE 183 SIDE B

005 FRED HANSEN, DIRECTOR DEQ: Gives briefing on the air quality problems in the Portland area and related pending legislation reading written

testimony (EXHIBIT E).

Discussion of pollution situation between Hansen and committee members.

HANSEN: Continues testimony from (EXHIBIT E).

200 SEN. SMITH: Comments on effects of standards on industry

and the economy.

215 CHAIR CEASE: Comments on air pollution situations.

250 HANSEN: Continues his testimony listing task force recommendations.

350 Questions from committee members concerning extension of the metro boundary and responses from Hansen.

TAPE 184 SIDE B

005 HANSEN: Continues testimony from (EXHIBIT E).

Reviews Task Force resolutions.

079 CHAIR CEASE: Are some of the provisions of the bill, even with the elimination of the emission fee, fairly stringent and may have a

business impact?

090 HANSEN: The biggest issue at hand is probably parking ratios and employer trip reduction.

Explains Portland's current parking restrictions. The trip reduction program has less experience, but can work. Explains potentials of HB

2214.

112 CHAIR CEASE: The state is required to take action under the federal Clean Air Act, and it is essential to keep ourselves from going out of

attainment.

120 HANSEN: Part of the reason for industry, environmental, and DEQ support is because it produces a series of benefits in a way necessary to be

able to be achieved, and a series of benefits for different groups.

Reviews Attachment 13 of (EXHIBIT E).

If you looked at trying to meet the mobility needs of the Portland metropolitan area by highways alone, you would be talking about 11 billion dollars worth of investment. If you look at that using transit - light rail and other - , you are in the 2 to 3 billion dollar range.

168 SEN COHEN: If we do get a comprehensive bill, would you be visiting with the House side to see whether they would be inclined to look

favorably at including a pilot program to congestion price the use of those roads?

160 CHAIR CEASE: Believes there is some interest in finding a vehicle for the subject of the Senate bill that failed on the Senate floor.

185 SEN. SMITH: When people understand that this is how the Clean Air Act impacts them, you will have a political revolt in the city of Portland.

187 SEN GOLD: Washington and Clackamas counties are two examples of bursting at the seams.

190 SEN SMITH: Agrees that something has to happen. This is a good reason to revisit LCDC's secondary lands issue.

205 Members comment on vehicle traffic problems and the public's concerns and attitudes.

289 CHAIR CEASE: Adjourns meeting at 10:00 a.m..

Transcribed by:                      Reviewed by:

Pat Zwick  
Administrator

Peter Green Assistant

EXHIBIT LOG:

A- HB 2682-2 Amendment and Hand-Engrossed Bill - Staff - 2 pages B-1  
- HB 2581 SMS - Staff 1 - page B-2 - HB 2581 Testimony - Dan Newton  
-3 pages C- HB 2581 Proposed Amendment - David Nebel - 2 pages D- HB  
2396 - SMS - Staff - 1 page D-1 - HB 2396 - Department of Justice Letter  
- Rep. Shiprack - 3 pages E- Motor Vehicle Emissions Testimony - Fred  
Hansen - 26 pages