

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: June 25, 1993 TAPES: 203 - 205 PLACE: Hearing Room C TIME:
8:00 AM

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

STAFF PRESENT: Peter Green, Administrator Chris Warner,
Research Associate Pamella Andersen, Clerk

MEASURES HEARD: SB 1009 SB 193 HB 2750
HB 2239 HB 2538

[--- 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 203, SIDE A

005 CHAIR CEASE: Calls the meeting to order at 8:25 a.m. -Opens the
public hearing on HB 2750.

PUBLIC HEARING ON HB 2750 - EXHIBIT A

WITNESSES: Marshall Coba, Duckwall-Cooley Fruit Co. Phil Ward,
Department of Agriculture Chuck Wilson, Legislative Counsel

026 MARSHALL COBA, Duckwall-Cooley Fruit Co.: Presents Attorney
General's opinion (EXHIBIT A). -Describes the bill.

042 SEN. KINTIGH: This is only for Eastern Oregon?

COBA: Correct.

SEN. KINTIGH: Why were sweet cherries dropped?

COBA: Explains.

055 CHAIR CEASE: Doesn't have a problem with this bill, but we still
have SB 160, which will be up next week. -He hopes that this would not
conflict with SB 160.

065 PHIL WARD, Department of Agriculture: Nothing in this bill
conflicts with SB 160. -He describes SB 160.

CHAIR CEASE: We still have to resolve what rights and obligations the
employees of these boards would have under state law. There's also the
PERS issue. -Where in this bill does it connect these to the basic
statute in

reference to personnel?

WARD: This would come under ORS 576. This would be dropped into the department's authorizing statutes on commissions. -He refers to the AG's opinion.

093 SEN. COHEN: The question is where in this bill does the regional commission fall under of the provisions of the statewide commission?

WARD: Section 2 provides that.

SEN. COHEN: If ORS 576 is the overall implementing chapter, she needs to hear from Chuck Wilson, what these statutory references are.

CHAIR CEASE: We want to make sure it conforms with what we may do with commodity commissions in general.

WARD: Reads page 1, line 15, HB 2750. -Believes those questions are answered here.

120 CHAIR CEASE: Chuck Wilson is on his way down. -Closes hearing. -Reopens hearing. -Explains to Chuck Wilson their questions and concerns. -Is there any problem changing the statutes on commodity commissions

concerning personnel and PERS issues? -Notes specific sections impacted.

177 CHUCK WILSON, Legislative Counsel: It's my understanding these regional commission provisions would track with the other commodity commission

provisions.

CHAIR CEASE: Closes the public hearing on HB 2750. -Opens the public hearing on HB 2538.

PUBLIC HEARING ON HB 2538 - EXHIBITS B through

WITNESSES: Ray Wilkeson, OFIC Andy Anderson, Executive Vice President, Oregon Farm Bureau Rod Harder, Oregon Sportsmen's Defense Fund

189 RAY WILKESON, OFIC: Presents testimony supporting HB 2538 (EXHIBIT B).

274 SEN. COHEN: Has concerns about making this so legalistic that these kinds of policies are dependant on zoning.

WILKESON: We don't want to do that either.

SEN. COHEN: Hopes we can do better than leaving it up to a person's zoning. -Would like to pin it down a little more narrowly.

WILKESON: We would agree. -In regards to primary use, our intent is not to make primary use the

dominant goal. -This bill also will not take away the Department of Fish and Wildlife's advocacy for fish and wildlife. -The only intent is that their advocacy and policy be cognizant and

sensitive to the primary use of the lands and there be some recognition that there's a limit to asking private landowners to protect fish and

wildlife. -He reviews the bill's hearings in the House. -The only remaining objection the department has is an unspecific

concern about jeopardizing eligibility for federal funds by changing the statute. -Unless there is clear evidence that is a real possibility, it shouldn't be a major consideration. -He refers to additional information contained in his handout. -We've tried to work any problems out with the department and

commission. -He describes the important symbolic nature of the bill. -If the bill passes the Legislature agrees there needs to be changes in the mind-set of the Department of Fish and Wildlife. -If the bill doesn't pass there will be business as usual. -There has been a lot of negative publicity on this bill, but we

wouldn't support this if there wasn't justification for it.

TAPE 204, SIDE A

020 SEN. SHOEMAKER: Give us a couple of examples how these things went badly before and how those things would be changed under this bill.

026 WILKESON: Responds.

079 SEN. SHOEMAKER: Nothing on the land itself--the industry has wanted to do one thing and Fish and Wildlife causes something else to happen. -It's been more in the process of developing rules and that sort of

thing?

WILKESON: Yes. -They don't have any direct regulatory authority over land uses, but

they have a strong advisory, consulting role with other agencies that do have that authority and that's where we get into a bind.

087 SEN. COHEN: It works a lot better at the point you get individual wildlife biologists on the ground with forest managers and other

interested parties. -Most of the complaints she's heard in the forest practices area are not over specific actions on specific areas of ground.

WILKESON: That's correct. -We have been able to maintain a good working relationship with the

field staff. -It's at the top where the policy and direction are determined.

110 ANDY ANDERSON, Executive Vice President, Oregon Farm Bureau: Testifies why the farm bureau supports this legislation.

184 WILKESON: We are not seeking to suggest that DFW should be disregarded. -He notes Rep. McTeague's floor statement, included in his testimony. -The department needs direction from the legislature.

219 SEN. SHOEMAKER: Suggests that the last section of the bill may be the basis for the department's concerns.

WILKESON: That language was worked out with Mr. Fisher. -If there's a problem, we'll be glad to work on it.

CHAIR CEASE: We'll pursue that further.

239 ROD HARDER, Oregon Sportsmen's Defense Fund: Presents testimony in support of HB 2538 (EXHIBIT C). -Rep. McTeague has amendments which he supports.

310 SEN. SHOEMAKER: What's HB 3649?

HARDER: Responds.

CHAIR CEASE: Temporarily closes the public hearing on HB 2538. -Opens the work session on SB 193.

WORK SESSION ON SB 193 - EXHIBIT D

WITNESS: Charlie Stone, Department of Forestry

365 CHAIR CEASE: This is a gut and stuff -He presents Proposed Amendments, SB 193-2 (EXHIBIT D).

381 CHARLIE STONE, Department of Forestry: Discusses the issue involved. -The -2 amendments don't delete section 1 of the original bill and we'd like the committee to delete section 1.

453 CHAIR CEASE: The only changes are in subsection (6) on pages 2 and 3?

STONE: Correct. -In drafting the amendments section 1 is not deleted and we would like

you to delete that.

TAPE 203, SIDE B

030 CHAIR CEASE: Sen. Kintigh and Peter Green have been involved with working this out.

MOTION: CHAIR CEASE: Moves to adopt SB 193-2 Amendments and also delete section 1 of the original bill.

CHAIR CEASE: Hearing no objection the motion is adopted.

MOTION: CHAIR CEASE: Moves SB 193 as amended to the floor with a do pass recommendation.

043 SEN. SHOEMAKER: If we delete section 1, we need to change the relating clause so it no longer refers to ORS 527.670.

048 SEN. KINTIGH: My main concern was that people not be paid for

something they were required to do. -The department assured me that was also their intent and goal.

VOTE: All members present voting Aye the motion carries.

EXCUSED: Sen. Bunn.

CARRIER: Sen. Kintigh.

CHAIR CEASE: Closes the work session on SB 193. -Opens the work session on SB 1009.

WORK SESSION ON SB 1009 - EXHIBIT E

WITNESS: Fred Hansen, DEQ

077 FRED HANSEN, DEQ: Presents Proposed Amendments SB 1009-2 (EXHIBIT E). -Discusses what the bill does relative to recycling rates. -The department would establish those recycling rates. -Under current law, the department would be looking at recycling rates

and content levels for calendar year 1994. -Describes the -2 amendments. -This language allows the department to go back to 1995 and make a determination on whether a violation or information had not been provided. -It's our intent not to take enforcement action on manufacturers who

were operating in good faith.

110 CHAIR CEASE: A piece of that would be to ensure the year's grace did not provide an excuse for non-compliance.

HANSEN: Emphasizes manufacturers in good faith were pursuing, but had not achieved the recycling rate. -We'd only take action for any gross violations of the spirit of the requirements.

CHAIR CEASE: The other issue is that there is some indication the Governor would veto any bill that would give any exemption or extension. -He understands the Governor is agreeable to this bill or any amendments to the bill.

HANSEN: Essentially, yes. -He discussed this with the Governor this morning. -We explicitly discussed companies like Truitt Brothers in Salem. -The Governor recognizes the type of packaging for their products are

not recyclable because of the unique type of packaging. -She asked me to relay to you that she felt this language met her goal

of achieving plastics recycling. -She also indicated if there were modifications in the House, it could

potentially be vetoed. -She has a strong commitment to recycling.

180 SEN. SMITH: Thanks those who participated in finding a reasonable and rational middle ground. -He likes section 4 of this compromise, which indicates the spirit of

partnership between DEQ and the manufacturers.

HANSEN: Notes the intention of the new section 4. -We do not believe this language precludes us from getting voluntary

information from manufacturers.

224 CHAIR CEASE: We'll have an interim Senate committee and will ask the department about their progress on this.

SEN. KINTIGH: Where does this leave the medical waste problem?

232 CHAIR CEASE: That is SB 641. It's his intent to bring that back. -It could be included in this.

MOTION: CHAIR CEASE: Moves to adopt SB 1009-2 amendments and move SB 1009 to the floor as amended.

VOTE: All members present voting aye the motion is adopted.

EXCUSED: SEN. BUNN.

CARRIERS: Sen. Smith and Sen. Cease.

CHAIR CEASE: Closes the work session on SB 1009. -Opens the work session on HB 2750.

WORK SESSION ON HB 2750

261 MOTION: CHAIR CEASE: Moves HB 2750 to the floor with a do pass recommendation.

VOTE: All members present voting aye the motion carries.

EXCUSED: Sen. Bunn.

CARRIER: Sen. Cooley.

184 CHAIR CEASE: Closes the work session on HB 2750. -Opens the public hearing on HB 2239.

PUBLIC HEARING ON HB 2239 - EXHIBIT F

WITNESS: Fred Robinson, Department of Forestry

288 FRED ROBINSON, Department of Forestry: Submits testimony in support of HB 2239 (EXHIBIT F). -This is one of three bill dealing with fire protection. -He describes HB 2241.

313 SEN. COHEN: Do you still think we need two bills?

ROBINSON: Not at this time. Combining them would be fine. -He describes the third bill, HB 2244, our uniform citation bill. -If it passes it will nullify one portion of this bill.

SEN. COHEN: We ought to wait; if we pass this after we pass the other

one, this will nullify that.

ROBINSON: HB 2244 is preferred. -He refers to next to last paragraph on page 1 of his testimony. -In several areas of the state, the DOF does not do the fire protection function with it's own employees; we contract with fire protection

associations. -He discusses the cost of equipment.

405 SEN. KINTIGH: This does not affect the business done with Lane County?

ROBINSON: Correct. -He describes section 3.

TAPE 204, SIDE B

ROBINSON: Section 4 will be nullified by HB 2244.

038 SEN. COHEN: If HB 2244 passes, we'll delete section 4. -What are we doing about the uniform state standards, page 2, line 42?

050 ROBINSON: Responds.

063 SEN. COHEN: This is the piece of this bill that's not covered anywhere else?

ROBINSON: Yes.

071 SEN. KINTIGH: Is the training just in firefighter techniques or does it also include OSHA safety training or does OSHA do it along with you?

ROBINSON: This is primarily incident control system training. -He elaborates. -OSHA safety training is separate.

087 SEN. COHEN: Closes the public hearing on HB 2239. -Reopens the public hearing on HB 2538.

PUBLIC HEARING ON HB 2538 - EXHIBIT G

WITNESSES: John Freeman, Cattle Rancher Polly Owen, Cattlemen's Association Marie Gadotti, Farmer Ken Evans, Oregon Hunters Association and Northwest Steelheaders Association

090 JOHN FREEMAN: Reads statement from Reilly Freeman.

129 VICE-CHAIR BUNN: ODFW has consistently told people not to bring hay with them when they hunt in eastern Oregon.

FREEMAN: We would like to see further efforts.

SEN. COHEN: This agency is not in the business of being a policeman. -Asking them to enforce some of these things is an unreasonable expectation.

141 VICE-CHAIR BUNN: What more would you like them to do?

FREEMAN: Would like them to set up a station where they would replace

the hay hunters bring in. -Who else would we address this issue with other than ODFW?

154 SEN. COHEN: Maybe we should stop hunting. -Maybe a hunter should be fined, that is up to us to deal with and not

ODFW.

161 FREEMAN: We see ODFW as the liaison between the hunters and the landowners. -We also have problems with the relocation of game animals.

SEN. COHEN: That is not a problem in my mind.

171 FREEMAN: He concludes the written testimony. -He presents his personal testimony and his support for HB 2538.

206 VICE-CHAIR BUNN: How many acres do you graze and how much is privately owned and how much is publicly leased?

FREEMAN: Responds.

220 SEN. SHOEMAKER: What do you believe ODFW's appropriate role is on that public land regarding maintenance of elk populations?

FREEMAN: The public land is federal land. -He doesn't know the effect they can have on it.

SEN. SHOEMAKER: The primary uses of federal land is leases and allotments. -It would follow under this bill that ODFW regulations concerning that

land would be to support the uses of the allottee. -Would it be appropriate for ODFW to be concerned with your use of that public land and the public's use of that land or should they just be

concerned with your use of the land?

FREEMAN: Is only addressing our private property. -He has no position of grazing on public land. -He discusses the pattern of the grazing elk.

VICE-CHAIR BUNN: Are they on your ranch during the hunting season?

FREEMAN: Yes.

VICE-CHAIR BUNN: Do you welcome hunters?

FREEMAN: No; we have been trying to develop a fee compensation system on our ranch. -If we don't receive some form of compensation, he will support opening up his ranch to many hunters, which will eliminate the elk. -If we aren't compensated, he will try to get rid of them, because he

can't support them for everybody.

278 POLLY OWEN, Cattlemen's Association: This is a serious problem that has gone on for years. -We feel this bill is a step in the right

direction. -The opinion of the association was to try every option before they lock hunters out. -Our wildlife situation is as good as it is in spite of the agency

rather than because of the agency. -This bill is a progressive step towards ensuring a workable

relationship between the agency and the concerned individuals. -If we don't get this bill, the legislative process will not have been

responsive to a variety of groups and individuals who tried to offer a beneficial solution.

328 SEN. COHEN: Has heard a lot about blocking out hunters. She does not see how that will help. -This hearing has given her a sense of how wrapped up in hunting the

agency has been. -She'd like to clarify this goal.

FREEMAN: Locking out hunters is an attempt to cause a confrontation, to make someone come to the table.

SEN. COHEN: You'll make the hunters come to the table rather than ODFW. -One of the things we can clarify in the bill is the relationships with the agency and the hunters.

FREEMAN: It is our perception that ODFW responds to the hunters and not to us.

410 MARIE GADOTTI: Presents testimony in support of HB 2538A (EXHIBIT G).

TAPE 205, SIDE A

016 GADOTTI: Continues testimony.

070 SEN. COHEN: Is it possible the geese have come from someone else's fields down in the valley where they may have been squeezed out? -Maybe this is a natural consequence of what has been done in other

places in the state. -Notes how her crop has been lost to squirrels, because someone has

impacted the life of the predators, such as foxes.

GADOTTI: The displacement of the geese has likely come from the displacement of the wetlands and the protection of the dusky geese. -Our problem with ODFW is with the management of the Sauvie Island

management area. -We developed plans which worked great until last year. Recreation is

now our problem

113 KEN EVANS, Oregon Hunters Association and Northwest Steelheaders Association: We have concerns and can see compelling testimony that

indicates there is a problem. -We want to be part of the solution. -Most of the testimony he's heard has dealt with damaged compensation. -HB 3649 actually addresses 90% of the testimony he's heard and he hopes that bill will get strong consideration when it gets here. -We support the section of the bill which addresses the department's

reorganization. -We have concerns with the wildlife goals and the definition of key

terms. -We support better lines of communication between local biologists and

the department. -The department isn't controlled by hunters. -He presents specific questions to the bill.

160 SEN. SHOEMAKER: As he reads the bill, there is no single primary use. The bill speaks to primary uses. -If he votes for it, it will be with that interpretation in mind.

CHAIR BUNN: Closes the public hearing on HB 2538. -Adjourns the meeting at 10:25 a.m.

Transcribed by:

Edward C. Klein Assistant

EXHIBIT LOG:

A Attorney General Letter of Advice - Marshall Coba - 12 pages B
Testimony on HB 2538 - Ray Wilkeson - 9 pages C Testimony on HB
2538-A - Rod Harder - 7 pages D Proposed Amendments SB 193-2 - Staff
- 3 pages E Proposed Amendments - Staff - 1 page F Testimony on
HB 2239 - Fred Robinson - 2 pages G Testimony on HB 2538-A - Marie
Gadotti - 2 pages