

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: July 7, 1993 TAPES: 220 - 221 PLACE: Hearing Room CTIME: 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: HB 2215 SB 1011 HB 2345 HB 3490 _

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.

TAPE 220, SIDE A

005 CHAIR CEASE: Calls the meeting to order at 8:25 a.m. - Opens the
work session on SB 1011.

WORK SESSION ON SB 101 1

020 CHAIR CEASE: (introduces EXHIBIT A) We will address the -5
amendments.

ADMIN. GREEN: No proposed amendments to the bill have been adopted. -
The -5 amendments have to do with the membership of the council.

CHAIR CEASE: Please address the issue of funding the council.

035 JACK BROWN: (Recycling Market Development Council) (introduces
EXHIBIT B) Makes a commitment to raise the necessary funds to staff the
council during the next biennium. Senate Agricultura and Natural
Rssourcos July 7, 1993 Pago 2

- This is in addition to their earlier commitment to fund staffing,
research and report preparation of the commodity division.

054 JERRY POWELL: (Recycling Market Development Council) The council
voted to support the -3 amendments which are the -5 amendments without
the membership issue.

CHAIR CEASE: It is my understanding that this would have to be addressed
through the Emergency Board, but that the staffing would have to be
provided by the Economic Development Department. - Check page 6, section
6 of the bill which creates a recycling market development fund. - Reads
portion of the bill relating to funding. 079 - (introduces EXHIBIT C)
On the hand-engrossed amendment there was discussion over changing the
composition of the council. - Explains the specific provisions of the
amendment.

SEN. KINTIGH: You intend this to say "shall?"

CHAIR CEASE: Yes, I think it would produce better attendance. MOTION:
CHAIR CEASE: Moves to ADOPT the amendments to the SB 10115 amendments
dated 7-6-93 as indicated on Exhibit C. VOTE: CHAIR CEASE: Hearing no
objection the amendments are ADOPTED. Senator Bunn is EXCUSED.

MOTION: CHAIR CEASE: Moves to ADOPT the SB 101 1-5 amendments dated 76-93 as amended. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. Senator Bunn is EXCUSED.

111 MOTION: CHAIR CEASE: Moves that SB 1011 AS AMENDED, be sent to the Floor with a DO PASS recommendation and that the referral to the Revenue Committee be rescinded. VOTE: In a roll call vote, all members present vote AYE. Senator Bunn is EXCUSED. CHAIR CEASE: The motion CARRIES. Chair Cease will lead discussion on the Floor. - Closes the work session on SB 1011. Opens the work session on HB 2215.

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WORK SESSION ON HB 2215

140 ADMIN. GREEN: (introduces EXHIBITS D and E) We are addressing the -A7 amendments.

CHAIR CEASE: Discusses the work group with which he met on the previous Friday. - The issue of the relationship of the report to the bill was discussed.

SEN. COHEN: Is this new from the what the House did?

CHAIR CEASE: Yes. - The real argument was over the "framework and guide" statement. - (introduces EXHIBIT F) Notes the letter from Jeanette Holman indicating the meaning of the work "framework." - I expect these changes will be acceptable on the House side.

SEN. SHOEMAKER: On line 15 of the amendments, to which report are they referring?

SEN. BUNN: Joins the meeting.

178 CHAIR CEASE: They are referring to the watershed management report.

SEN. COHEN: We need to refer to section 2 of this bill.

CHAIR CEASE: Let's say "the report as described in section 2 of the bill."

SEN. SHOEMAKER: Is it the report that has "effectiveness and workability" or is it something described in the report that does?

199 MARK NELSON: (Water for Life) In our work group there was agreement on page 1, line 27 to use the word "initiate" as opposed to "institute."

CHAIR CEASE: There is no objection. - We will make that change.

NELSON: I think this represents an agreement by most parties.

222 CHAIR CEASE: Reviews the changes on pages 14 and 15.

SEN. COHEN: The "report referred to in section 2 of this bill" is all we will add.

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CHAIR CEASE: Reviews the specific amendments. - We will have legislative council correct the language.

245 MOTION: CHAIR CEASE: Moves to ADOPT the SB 2215-A7 amendments dated 7-6-93 as further amended above. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. All members are present. MOTION: CHAIR CEASE: Moves that SB 2215 AS AMENDED, be sent to the Floor with a DO PASS recommendation. 251 SEN. SHOEMAKER: "Pilot watershed management projects" are called "pilot watershed council projects" elsewhere in the bill. ADMIN. GREEN: In the work group, Martha Pagel suggested substituting "council" for "management." CHAIR CEASE: We will verify that.

268 SEN. SMITH: Requested clarification. - We appear to have amended this in a way that could create an LCDC-type approach to water use. - The top-down driven agenda of that approach of state planning is bedeviling. - I will vote for this if you assure me local control will have a voice that will not be run over.

CHAIR CEASE: Much of the discussion in Friday's work group meeting was over use of the word "framework." - This will be voluntary and the department will be working with those watersheds that want to do it with this pilot approach. - They will be a partnership. 292 - We will insist that during the interim the department report to us periodically. - You can rest assured it will be handled in a manner with which the local people will be happy.

SEN. SMITH: I think it important a legislative history be established and include the expression that local control will be a legitimate and recognized part of this process.

CHAIR CEASE: If any of the local people are unhappy with the way it is going, we will hear about it, quickly.

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314 SEN. KINTIGH: I am concerned with the statement that this be done only when local people want it. - That is nebulous. - How is it determined a local group is in agreement on going ahead? How are desires or goals determined; by a vote of landowners?

MARTHA PAGEL: (Water Resources Department) The report describes a process whereby a state agency voices an area of concern and solicits participation by the local government. - The Strategic Water Management Group holds a public meeting in the area to determine public interest. - Eventually, the local government decides if they want to form into a watershed council.

SEN. KINTIGH: By "local government" do you mean the county or the soil conservation district? PAGEL: In most cases this is the county government. - It could conceivably be a city government. 350 - If there is sufficient local interest and desire to proceed, the local government appoints the membership and contacts SWMG for concurrence. - The two entities then enter into a partnership agreement around shared goals.

CHAIR CEASE: The concept is clearly a partnership.

PAGEL: It is clearly a partnership concept and a voluntary process.

SEN. KINTIGH: I hope you would have to have more than a bare majority before you would move ahead.

PAGEL: The report from which the agencies will be working does not describe how the local government would make its decision. - That was intentionally left vague.

381 REP. CHUCK NORRIS: (District 57) This will work in some areas and not others. - Watersheds do not recognize political boundaries. Relates the situation in the John Day basin. - Grant County is not waiting for us, they are already doing something, as are Umatilla and Wallowa Counties. 418 - The heavy hand of state government will not lay over them so heavily as to get in their way.

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SEN. SMITH: I was seeking to establish a legislative history for what you have said. - We have given the state opportunity to impose things at the local level should they choose to do so. - I want the record to reflect my vote is predicated upon the understanding that the local people will not be run over by state mandates.

TAPE 521, SIDE A

023 REP. NORRIS: The agriculture community saw the early version of the bill as another "LCDC" for water. - The work group came back with a proposal to which they could all agree. - All but one participant came to agreement.

CHAIR CEASE: We still have to deal with HB 2538, and the "Sowa bill" on the habitat council. - One of the things coming out of this session will be a clear understanding and direction that on a lot of these natural resource issues will be handled by a partnership.

048 SEN. SHOEMAKER: On the hand-engrossed version, page 2, line 3, is the program to be limited to pilot watershed council projects, or will those be included along with other projects?

PAGEL: We are to use the report to set up pilot programs. That is the framework for the pilots. - Local watershed groups have already formed throughout the state, and we are flexible enough that if they choose to join we will provide assistance, but our state dollars and attention will be directed toward these pilot projects.

SEN. SHOEMAKER: Should the language be changed to say "the program shall consist of?"

PAGEL: There are other directions contained in the report that are part of a broader program.

076 SEN. SHOEMAKER: On line 21, the project reports are termed differently than earlier in the bill. - What is the correct terminology?

PAGEL: "Pilot projects" or "the watershed management program undertaken" would be appropriate.

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CHAIR CEASE: WITHDRAWS the motion to send the bill to the floor.

MOTION: CHAIR CEASE: Moves to AMEND the SB 2215-A7 amendments dated 7-6-93 on line 21 by deleting the words "watershed management."

SEN. SHOEMAKER: The program could be broader than pilot projects.

092 SEN. COHEN: I don't want to amend it that much. - This doesn't need to be in the statutes.

VOTE: CHAIR CEASE: Hearing no objection the amendments are AMENDED. All members are present.

104 MOTION: CHAIR CEASE: Moves that SB 2215 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, Senators Cohen, Gold, Kintigh, Shoemaker, Smith and Cease vote AYE. Senator Bunn votes NO. CHAIR CEASE: The motion CARRIES. - Closes the work session on HB 2215. - Opens the work session on HB 2345.

WORK SESSION ON HB 2345

118 SEN. GORDON SMITH: Offers testimony in support of HB 2345. - I know there is strong resistance to this bill in the Senate and the Governor's office. - The Northwest Power Planning Council has driven home its importance in our region. - Their efforts in salmon recovery are legitimate and very important. - Although eastern Oregon has a low portion of the population of the state, its economic impact is disproportionate upon our population. - There are 12 utilities in the east as opposed to two in the west. - We have navigation to markets and flood protection in the spring because of the dam system along the Columbia River. - The NWPPC impacts all of that. - Our state has two representatives on the council, both of which are from Portland. 150 - We are not sure we are receiving evenhandedness. - Angus Duncan has at

least tried to understand our problems. - All these factors have lead to a sense of disenfranchisement. - In Washington they have given representation to both sides of the Cascade Range.

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- No loss to this state would occur by this representation. - Anne Squire has made a good faith effort to provide other language to address our concerns, but it has no substance other than to make us feel better. 188 REP. CHUCK NORRIS: (District 57) Offers testimony in support of HB 2345. - Out of 13 appointments, we have yet to have a representative appointed from eastern Oregon. - Notes the four dams on the Columbia River, three of which are east of the Cascades. - We are concerned with the power production issue because we have slipped from a position of energy surplus to a worsening energy shortage. 204 - We are concerned that the John Day pool may be drawn down to speed the downriver trip of the smolts to the sea. - We haven't seen any evidence that dropping the pool will accomplish that. Irrigation is a cornerstone to our economy. - We have ports that are part of our international market. - This would inhibit some of the activity of some of those ports. - Notes the support for the bill in the House. 229 CHAIR CEASE: FOR THE RECORD, I do think you have some grievance, but to guarantee representation to an area with 18% of the state's population is not possible. - Eastern Washington holds a larger portion of their population and continues to grow. - I will relate to the Governor that more consideration should be given to the eastern part of the state.

SEN. KINTIGH: Has consideration been given to rotating this around?

255 CHAIR CEASE: I think the Governor's office has the message that there is a problem.

REP. NORRIS: The founding fathers gave consideration to this; that is why we have two senators in Montana and two senators in New York.

SEN. GOLD: Joins the meeting.

263 MOTION: SEN. SMITH: Moves SB 2345 be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, Senators Bunn, Kintigh and Smith vote AYE. Senators Cohen, Gold, Shoemaker and Cease vote NO.

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CHAIR CEASE: The motion FAILS. - I will follow this up with a letter to the Governor. - Closes the work session on HB 2345. - Opens the public hearing on HB 3490.

PUBLIC HEARING ON HB 3490 - EXHIBIT G

WITNESSES: Fred Neal, Multnomah County Art Schlack, Association of Oregon Counties

292 FRED NEAL: Offers testimony in support of HB 3490. - The bill makes a small step toward a user-friendly county government. - The purpose of the bill is to simplify the final step for subdivision plat approval. - Notes the current requirements. - The county assessor or governing body roles are not eliminated. 330 - Reviews how the activity is presently handled. - There is no hearing because no evidence exists. - We left the final check in the process. 355 - Elaborates on the time-consuming process. - Multnomah County commissioners have requested this.

SEN. KINTIGH: (introduces EXHIBIT G) Have you seen the letter we got from Lane County,

392 ART SCHLACK: I have reviewed the letter from Lane County. - I contacted the Lane County planner to discuss this. - Reads lines 10 and 11 of the proposed legislation. - We read that to be permissive, giving the county options. - Although AOC does not have an official position, we would support the proposed amendment to Chapter 92.

425 SEN. KINTIGH: That option is not clear to me as I read this bill. - It states it must be approved by the assessor and the chairperson or vicechairperson.

CHAIR CEASE: Before, each member of the governing body had to approve it and they are trying to get away from that.

440 NEAL: The intent is that would be the minimum requirement. - The option remains for the county who wants a hearing by local ordinance to state that chair approval is not permissible until a hearing has been held.

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SEN. SHOEMAKER: Would this not give the chair a veto?

TAPE 520, SIDE B

NEAL: Yes, it does. - That is the safeguard the surveyors want. - There is the ability not to approve.

040 SEN. SHOEMAKER: Gives a hypothetical situation. - Is it the intent that the decision fail if the chair votes "no?"

NEAL: Explains and gives an example. - The chair doesn't have the discretion to misrepresent the determination of the majority. - Some counties have different interpretations. CHAIR CEASE: Do you have very many cases where the governing body says "no?"

NEAL: Not of which I'm aware.

CHAIR CEASE: Because of the statutory requirement, you now have to get the -- signatures of all five county commissioners.

NEAL: Or hold a hearing for which there are no standards or guidelines, and then take a vote.

SEN. SHOEMAKER: Would it be clear and preclude future problems if we were to say, "all subdivision plats must also be approved by the county assessor and the governing body or at a county's election by the chairperson or vice chairperson of the governing body?" NEAL: If you were to propose that, it would make it clear. - I would say by election or otherwise as provided by ordinance.

CHAIR CEASE: Otherwise, simply "provided by ordinance." - The way this is presently, this is still applicable to a whole rural county?

NEAL: Yes.

CHAIR CEASE: Does anyone have objection to this language?

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084 SEN. BUNN: This is a simple bill and we don't need to mess with it or change it this late in the session.

SEN. KINTIGH: I would be more comfortable with this definitely spelled out, that the local county has the option.

SEN. BUNN: Withdraws his objection.

103 NEAL: Reads the proposed language. - On line 11 of the A-engrossed bill, after the second "the," insert "governing body of the county or, at the option by the county provided by ordinance, the."

CHAIR CEASE: Closes the public hearing on HB 3490. - Opens the work session on HB 3490.

WORK SESSION ON HB 3490

MOTION: SEN. SHOEMAKER: Moves to AMEND SB 3490-A as noted above by Mr. Neal. VOTE: CHAIR CEASE: Hearing no objection the bill is AMENDED. All members are present.

MOTION: SEN. SHOEMAKER: Moves that SB 3490 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE.

CHAIR CEASE: The motion CARRIES. Senator Shoemaker will lead discussion on the Floor. - Closes the work session on HB 3490. 136 - Adjourns the meeting at 9:35 a.m.

Submitted by: Clerk Reviewed by: Pamella Andersen Peter Green
Administrator . Senate Agriculture and Natural Resources
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EXHIBIT LOG:

A Proposed Amendments SB 1011-5 - Staff - 6 pages B Testimony on
SB 1011 - Jack Brown - 1 page C Hand-Engrossed SB 1011-5 - Bob Danko
- 2 pages D Proposed Amendments HB 2215-A:' - Staff - 1 page
E Hand-Engrossed HB 2215-A 7 - Staff - 2 pages F Letterof Opinion
- Jeannette Holman - 2 pages HB Zi15 G Testimony on HB 3490 by K.
Robert Ezell - Staff - 2 pages -Information Packet- Committee Staff

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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: July 7, 1993 TAPES: 222 - 224 PLACE: Hearing Room C
TIME: 5:00 PM

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

MEMBERS EXCUSED: Senator Shirley Gold

GUEST MEMBERS: Representative Ray Baum

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

MEASURES HEARD: HB 3661 PUB

_____ 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 223 SIDE A

005 CHAIR CEASE CALLS MEETING TO ORDER 5:20 PM

PUBLIC HEARING ON HB 3661

WITNESSES:

010 PEG REGAN, Vice Chair, Curry County Board of Commissioners,
offers testimony on HB 3661, and presents overview of EXHIBIT A. - ties
to development interests and inconsistencies in approval of

land use overviewed - planning may change sides in the middle of
meetings

147 REP RAY BAUM, House District 58, offers testimony on HB 3661,
and presents overview of EXHIBIT B.

240 KENT HOWE, ???, offers testimony on HB 3661, and presents
overview of EXHIBIT B (with visual testimony (map)). - 269 SEN
SHOEMAKER: Question regarding development of certain areas shown on
map.

278 HOWE: - answers questions from committee members

340 REP BAUM: Overview of the present on

364 SEN COHEN: With option 2 there is no guarantee that this will work in Lane County

378 HOWE: We understand that the parameters need modification,

SEN COHEN: continues questions to Rep Baum and Howe

TAPE 222 SIDE A

005 REP BAUM: - continues testimony on HB 3661, and overview of EXHIBIT B.

SEN KINTIGH:

037 CHAIR CEASE:

044 MIKE EVANS, ???, offers testimony on HB 3661, and presents overview of EXHIBIT B. - overview of section 3.2.2 EXHIBIT B -

112 CHAIR CEASE:

114 EVENS: - continues testimony on HB 3661, and overview of EXHIBIT B. - overview of study on small woodland owners in various counties

throughout Oregon -

150 SEN COHEN: On the prime and the small/large scale forestlands

161 DALE RIDDLE, Attorney from Eugene, offers testimony on HB 3661, and presents overview of proposals for "sideboards". - change the burden of proof - some type of percentage (8 percent was used last session) - there are solutions that could be written into proposed

legislation

190 CHAIR CEASE:

195 RIDDLE: There may be something new that was not expected
.....

SEN KINTIGH: the present system doesn't always work

211 CHAIR CEASE:

214 RIDDLE: Comments on how the current LCDC rule operate within test standards cannot

234 REP BAUM: We now stand at a crossroads and there will come a time in Oregon when less productive lands will be rezoned for growth. Until

that time we will not have a system that truly protects farmlands.

269 BRUCE LUMPER, Wasco County Court, Farm Bureau, Fruit and Produce League, offers testimony on HB 3661, and presents overview of EXHIBIT C. - overview of county ordinances for land use siting in Wasco County

398 QUINCY SUGARMAN, OSPIRG, offers testimony opposing the "right of

farm provisions in HB 3661, and presents overview of EXHIBIT D (and submits

for the record a letter from the Mayor of Butte Falls Oregon EXHIBIT E).

TAPE 223 SIDE B

005 SUGARMAN: - continues testimony on HB 3661, and overview of EXHIBIT D. - answers questions from members on reason for opposition

062 NORMA GREER, NCAP (NW Coalition for Alternatives to Pesticides), offers testimony opposing HB 3661, and presents overview of EXHIBIT F & G. - section by section overview of proposed legislation and how it

would affect pesticide application of pesticides - the bill is mired in confusion regarding toxic alternatives - Federal drift regulations are not of help to Oregonians concerned

with this problem - proposed legislation in hopelessly mired regarding pesticide

practices and use - preemption measures should be rejected

182 CHAIR CEASE: There is indication at this time showing that

198 SEN SHOEMAKER: There was testimony showing that there was not protection from the effects of pesticides, I would like to know how you respond to SB 116 as an alternative to the "right to farm provisions in

proposed legislation. 220 GREER: -

254 BRUCE ANDREWS, ???, offers testimony on HB 3661, and presents overview of EXHIBIT H.

284 LARRY KNUDSON, DOA, offers testimony on HB 3661, and presents overview of EXHIBIT H (proposed amendments). - section by section overview of changes (sections 14 - 24a "right

to farm" provisions of proposed legislation - overview of provisions for smoke - overview of Section 18 changes - Section 19 changes and protections - Sections 20

TAPE 222 SIDE B

005

030 PHIL WARD, DOA, offers testimony on HB 3661, and presents overview of EXHIBIT H.

040 SEN COHEN: questions to Bruce Andrews regarding exemptions for organic farmers and the use of pesticides

100 MARGRET FORSYTHE, representing self and friends, offers testimony opposing and requesting the death of "right to farm" provisions in HB

3661, and presents overview of EXHIBIT I (to be turned in later). - many profitable farms are based on the ownership of smaller

contiguous lots - county governments are not responsive to citizens -
lot of record approach also gives power to the counties -
recomendation for implimentation

151 HELEN ERVINE, representing self, offers testimony favoring
"right to farm" provisions in HB 3661, and presents overview of EXHIBIT
J. - overview of her experience with LCDC's response to production
on

her land - overview of Federal Agriculture Budget and funding
dispersion - overview of nuisance and dust problems - continues
testimony on HB 3661, and overview of EXHIBIT J - this problem is
"sick and rotten" and must be taken care of

TAPE 224 SIDE A

005 ERVINE: - continues testimony on HB 3661, and overview of
EXHIBIT J. - overview of attached articles regarding surplus of land
in Oreogn

and the United States - Americans are not being allowed to live on
their own land

070 CHAIR CEASE ADJOURNS MEETING AT 7:15 PM

EXHIBIT LOG:

A - Testimony on SB - e - pages B - Testimony on SB - e - pages
C - Testimony on SB - e - pages D - Testimony on SB - e - pages
E - Testimony on SB - e - pages F - Testimony on SB - e - pages
G - Testimony on SB - e - pages H - Testimony on SB - e - pages
I - Testimony on SB - e - pages J - Testimony on SB - e - pages

Submitted by:

Reviewed by:

Kus Soumie
Administrator

Peter Green Assistant