

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: July 12, 1993 TAPES: 227 - 228 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

GUEST MEMBERS: Representative Larry Sowa

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

MEASURES HEARD: HB 3661A/WRK HB 2538A/WRK

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 227A

005 CHAIR RON CEASE: Calls meeting to order at 8:00 a.m. > "For the
record in reference to the land use issue, the Oregonian
reported I had said that HB 3661 was irresponsible. I did not say that
to this committee last Friday. I said it would be irresponsible for us
not to do something on the land use issue."

WORK SESSION ON HB 2538

029 PETER GREEN, Committee Administrator: Provides copies of
the HB 2538-A12 amendment and the handengrossed version (EXH. A). >
Points out some of the major changes in the handengrossed amendment.

060 SEN. JOYCE COHEN: Explains the goals are basically the same except
part of goal 5 has been separated out and made into goal 6.

GREEN: Reviews the changes on pages 2 and 4 of the handengrossed
version of the bill.

SEN. COHEN: Reviews the reason why the language is deleted on page 2.

GREEN: Reviews the language changes on page 4, 5 and 6. > Refers to
changes in Section 11 on page 7.

134 CHAIR CEASE: Talks about creation of the Access and Habitat
Councils at the local level. > Explains the fees are being authorized
but not appropriated.

SEN. COHEN: Talks about the changes for Section 11.

195 RAY WILKESON, OFIC: We do not anticipate it to be necessary to
have formal written findings by the receiving agencies that
various

provisions have been complied with.

208 ANNE SQUIER, Governor's Natural Resource Advisor: The language distinguishes between technical advice and information. > Further discussion concerning the language.

261 RANDY FISHER, ODFW: Department is clear what is expected of them and has no problem carrying out it's responsibility.

266 SEN. GORDON SMITH: No matter what the language is, it is the people who are going to make it work or not work.

283 GREEN: Reviews the new language on pages 7 and 7a, Sections 12 - 15.

CHAIR CEASE: Feels the public member of the Board should serve as chair.

FISHER: Talks about membership of the Board which is appointed by the Governor and appoints it's own chair.

362 Committee members discuss the public member of the Board.

CHAIR CEASE: For the record what is intended is a person who is neutral on the issues and can be a fair chairman. Being a fisherman or a land owner would not disqualify them.

TAPE 228A

008 LARRY HILL, Oregon Guides and Packers: Explains why they feel the proposed amendments are acceptable (see EXH. A).

022 ROD HARDER, Oregon Sportsman's Defense Fund: Believes the proposed amendments will help hunters and landowners improve their relationships.

026 JIM MYRON, Oregon Trout: Supports the bill and feels there should be a broader representation on the Board because wildlife habitat includes

nongame habitat, fish habitat and all wildlife.

042 SEN. SHOEMAKER: Suggests additional language for line 30 on page 7A to represent the hunters and anglers.

HILL: Focus of the bill is the difficulties private landowners have in regards to big game access, primarily deer and elk. Doesn't want to exclude angling habitat. 064 Discussion among committee members on adding language about anglers.

093 HARDER: We currently have a Fish Restoration Enhancement Board made up of all anglers. This bill mainly addresses landowner damage problems

and the public member should be a hunter.

CHAIR CEASE: There would be an understanding that hunters could include anglers.

106 LIZ FRENKEL, Oregon Sierra Club: Wants assurance about requests for information to the agency from other state or federal agencies.

SEN. COHEN: The group that worked on the language wanted to make sure we did not tamper with the normal process that agency uses when responding to requests. If the response had to be in writing, it should be requested by the agency. Certainly, rulemaking is part of that.

143 SQUIER: Refers to the language at the bottom of page 7 of the handengrossed bill, and notes the words "in writing" were left out by

accident.

Committee discusses written requests further.

224 STEVEN KAUFORY, Wildlife Society: Notes the proposed language does not preclude the Department from voluntarily responding in writing.

237 DALE PEARSON, original member of the Restoration and Enhancement Board and current member of the Fish Screening Task Force: Believes

legislatively commanding that the public member be the chair would be a poor way to go. Boards need the ability to select their own chairmen. > Does not endorse the other six members picking the public member. > Agency does good job of appointing people. > Comments on having angling interests on the Board.

FISHER: Comfortable with the proposed language.

293 KEN EVANS, government relations director, Oregon Hunter's Assoc. and Northwest Steelheaders Assoc.: Hopes this bill and HB 3649 will bring

the landowners and hunters together. Feels the Board chair should be relatively neutral.

CHAIR CEASE: Summarizes a letter from the ODFW (EXH. B) concerning what they will be doing differently.

333 SEN. KINTIGH: Questions about the access - is it all by cooperation and agreements or will access be purchased as well?

CHAIR CEASE: There are fees for funding the Access and Habitat Board.

343 REP LARRY SOWA, House District 26: The whole concept is completely voluntary on the landowner's part. There is not enough money to

purchase an access road but there could be some kind of a conservation

easement over the road.

SEN. KINTIGH: Requests acronym, DEAR, on page 7A of the handengrossed bill be changed to Deer Enhancement and Restoration Program.

MOTION: Sen. Bunn moves to add the words "in writing" after the words "if requested" in the sentence added on page 7 of the handengrossed bill. MOTION FAILS: In a roll call vote, the motion fails with Senators Cohen, Shoemaker, Gold and Chair Cease voting NO.

TAPE 227B

008 Further discussion on whether the public member of the Board should be the chair.

031 MOTION: Chair Cease moves the public member of Board shall serve as chair. MOTION ADOPTED: No objections. MOTION: Chair Cease moves to adopt the language for Section 11 on page 7 of the handengrossed version of the bill. MOTION ADOPTED: No objections. MOTION: Chair Cease moves to adopt the HB 2538A-12 amendments as

amended. MOTION ADOPTED: No objections. MOTION: Chair Cease moves HB 2538-A to the floor as amended with

a do pass recommendation. MOTION PASSES: In a roll call vote, the motion passes with all

members present voting AYE. EXCUSED: Sen. Bunn

CHAIR CEASE: Talks about HB 2538 as amended.

WORK SESSION ON HB 3661A

074 CHAIR CEASE: Reviews where the committee is on the bill and the issues still being considered.

Committee is at ease for 10 minutes.

110 SUE HANNA, Legislative Counsel: Gives overview of "lot of record" portion of the bill. > Lot of record established 1975 > Farm use dwelling could not be on high value farmland. > Certain preclusions for dwellings in areas zoned for forestry use. > Standards for dwellings in big game habitat. > High value farmland definition is prime and unique soils and class one and two soils. > Lists criteria for dwellings on forest and farm land. > Tracts at least 320 acres can have a dwelling.

SEN KINTIGH: Where does the 320 acres apply? HANNA: Believes it would be either east or west. > Continues reviewing the "lot of record" portion of the bill: minimum

lot or parcel sizes, section of definitions, and repeal of the marginal lands provision. > Lot of record portion sunsets on June 30, 1999.

194 CHAIR CEASE: Explains the committee's time frame for working on the bill. > How will the bill impact various sections of the state?

HANNA: Explains why she can not answer that. > Bill fits together, has

a logical procedure, and is not costly for counties to administer.

CHAIR CEASE: How would this impact rules in terms of releasing the land?

HANNA: Not sure if it would be more or less. Inconsistent rules would be repealed.

CHAIR CEASE: Would this approach create a need to change the Smith case in Eastern Oregon.

HANNA: It would depend on what policy you want to set. To some extent it addresses that case.

233 DICK BENNER, LCDC: Explains the effects of the Smith case. > Lot of record dwellings relates only to dwellings on existing pieces

of land and would not address splitting up land for nonfarm dwellings.

Testimony on HB 3661A submitted by Jan Wroncy of Eugene (EXH. C).

290 CHAIR CEASE: Adjourns the meeting at 9:45 a.m.

EXHIBIT LOG: A - HB 2538-A12 amendment - 17 pages - staff B - Testimony on HB 2538A - 3 pages - ODFW C - Testimony on HB 3661 - 2 pages - Jan Wroncy

Transcribed by:

Reviewed by:

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