

House Committee On Agriculture, Forestry & Natural Resources January 22,  
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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.

Public Hearing: HB 2124, HB 214 4, HB 2146, HB 2242 Work Session: HB  
2143, HB 212 4 and 2242

HOUSE COMMITTEE ON AGRICULTURE, FORESTRY & NATURAL RESOURCES

January 22, 1991                      Hearing Room F 8:15 A.M.                      State Capitol  
Tapes 05 - 07

MEMBERS PRESENT: REP. WALT SCHROEDER, Chair REP. LIZ VANLEEUVEN,  
Vice-Chair REP. SAM DOMINY REP. BILL DWYER REP. TIM JOSI REP. JOHN MEEK  
REP. CHUCK NORRIS

STAFF PRESENT:                      BETH PATRINO, Administrator EDWARD C. KLEIN,  
Assistant

WITNESSES: DON MATLICK, Smoke Management Director, Department of Forestry  
WARD ARMSTRONG, Executive Director, Oregon Forest Industries Council  
MORELLA LARSEN, Real Estate Commissioner STEVE HAWES, Deputy Real Estate  
Commissioner JIM BROWN, State Forester GIL RIDDELL, Council of Forest  
Trust Land Counties CHARLIE STONE, Forest Practices Operations Unit  
Manager, Department of Forestry PHIL WARD, Department of Agriculture

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statements made during this session. Only text enclosed in quotation  
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proceedings, please refer to the tapes.

TAPE 05, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:15 A.M.

-He refers to a handout on timber taxes (EXHIBIT A).

WORK SESSION HOUSE BILL 2143 -- EXHIBITS B and C

CHAIR SCHROEDER: Opens the work session on HB 2143.

032 BETH PATRINO: Refers to handout answering questions about expenses  
and expenditures of the Hardwood Forest Products Resources Committee  
(EXHIBIT B).

-She refers to HB 2143-1, Proposed Amendments to House Bill 2143, dated 1/18/91 and hand engrossed bill (EXHIBIT C).

039 MOTION: REP. DWYER: Moves to adopt proposed amendments, HB 2143-1, dated 1/18/91.

VOTE: The motion passes unanimously.

MOTION: REP. DWYER: Moves HB 2143, as amended, to the Floor of the House with a Do Pass recommendation.

054 REP. VANLEEUEWEN: Does this have to go to another committee, because of the budget item?

BETH PATRINO: There's no subsequent referral.

REP. VANLEEUEWEN: Doesn't it have to be referred because it's a budget item?

-It's Other Funds.

CHAIR SCHROEDER: It's Other Funds and also under a certain amount it doesn't have to go to Ways and Means.

060 REP. DWYER: \$50,000.

REP. VANLEEUEWEN: But it's \$60,000.

REP. DWYER: The money's raised from other than state funds.

CHAIR SCHROEDER: We can go forward as if it doesn't have a subsequent referral.

VOTE: The motion carries unanimously.

CARRIER: REP. DWYER.

PUBLIC HEARING ON HOUSE BILL 2242 -- EXHIBITS D and E

082 CHAIR SCHROEDER: Opens the Public Hearing on HB 2242.

BETH PATRINO: Describes HB 2242 (EXHIBIT D).

095 DON MATLICK, Smoke Management Director, Department of Forestry: Presents testimony in support of HB 2242 (EXHIBIT E).

REP. DWYER: Do you know if there are any projected fee increases in the Governor's budget in regard to this program?

MATLICK: Believes they're at the current level, but will check.

REP. DWYER: If we remove the sunset and put in a fee based program it may or may not have any limitations.

-It's a good program, but are there projected fee increases in the Governor's budget?

-Can we extend the sunset rather than repeal it?

MATLICK: We are recommending the \$.50 per acre fee to register to burn

and the \$1.50 fee per acre to burn remain as they were in the past biennium.

-State Forester JIM BROWN, informs me there are no fee increases for the total program budget.

CHAIR SCHROEDER: The Committee Administrator pointed out that is set in legislation.

REP. DWYER: Our committee insisted those limits be set.

190 REP. VANLEEUEWEN: Is the fee collected on the acreage burned or the acreage from which the slash is collected?

MATLICK: Either. There are two types of burning.

-Broadcast burning; all the slash is burned.

-The other burning is where the slash is piled together from a larger area.

-In both cases the fee is based on the total acreage involved.

CHAIR SCHROEDER: The total acreage regardless?

MATLICK: When it's burned in broadcast it's the total acreage involved.

-If it's burned in piles, the fee applies to that area from which the slash was piled.

CHAIR SCHROEDER: Is the percentage of the decrease in smoke a subjective measurement or do you have instruments to measure that?

MATLICK: We have developed models and it is not subjective.

-For every burn we have an emission inventory.

-Fuel loadings and fuel moisture are the two variables that specify how much emissions are produced.

218 REP. NORRIS: How accurate can we be on this acreage?

MATLICK: Fairly accurate; it's taken from aerial photographs and maps. It's close within reason.

REP. NORRIS: Doesn't the Department of Environmental Quality (DEQ) play some kind of role in this?

MATLICK: The DEQ has oversight of all the smoke management activities in the state. The statutory authority for the forest prescribed burning program has been delegated to the Department of Forestry, but we work closely with the DEQ.

REP. NORRIS: Are they in concurrence with this proposal?

MATLICK: Believes they are.

233 REP. VANLEEUEWEN: It was my understanding you were more under the Fire Marshall's Office than the DEQ.

MATLICK: We work with the Fire Marshall's Office in other regards. The DEQ is the driving force for the air quality aspects in the state. Forest prescribed burning is a major portion of the air quality aspects.

REP. VANLEEUEWEN: Doesn't the Fire Marshall's Office run your program?

MATLICK: No; we essentially run the program. A person would have to get written permission from us to burn on any given day. We work with the DEQ to set up the program framework and plans. We work with the Fire Marshall's Office for backyard burning or burning of debris.

255 CHAIR SCHROEDER: When you measure acreage do use planographic or topographic measurement?

MATLICK: The acreage is reported by the landowner; we double check that. Acreage is computed from surveys, aerial photographs and maps. The majority are planometric.

CHAIR SCHROEDER: In my area almost every acre is about an acre and one-half due to the steepness of the ground.

MATLICK: They're flat acres.

272 WARD ARMSTRONG, Executive Director, Oregon Forest Industries Council: We support this bill.

-He presents background of the program.

-It's an important program to learn about the impact of slash burning on air quality.

-This has worked well during the biennium and needs to be continued.

298 REP. VANLEEUEWEN: Who are the members of the advisory committee?

ARMSTRONG: Doesn't know their names. There are five members.

MATLICK: There are five members; a representative from the U.S. Forest Service, Bureau of Land Management, the public, an industrial representative and a small woodlands owner.

-The State Fire Marshall has a big role in field burning not in forest slash burning.

REP. VANLEEUEWEN: Didn't they used to?

ARMSTRONG: Not to my knowledge.

336 REP. DWYER: This program was designed to preempt public opposition and to manage smoke. There are studies being made.

-Would you be satisfied to extend the sunset for four years so there can be a report on how the program is operating?

ARMSTRONG: Is not troubled by that.

-There is a good staff doing an excellent job.

-The program ought to be continued.

CHAIR SCHROEDER: It's good to have sunsets, but we need to look carefully at them.

-He closes the Public Hearing.

PUBLIC HEARING ON HOUSE BILL 2124 -- EXHIBITS F, G & H

CHAIR SCHROEDER: Describes HB 2124 (EXHIBIT F).

391 MORELLA LARSEN, Real Estate Commissioner: One of our statutory charges is the licensing through examination and pre-license education requirements and the regulation of real property managers.

-HB 2124 has no fiscal impact.

405 STEVE HAWES, Deputy Real Estate Commissioner: Refers to testimony and a letter relating to HB 2124 (EXHIBIT F).

TAPE 06, SIDE A

033 HAWES: Refers to the exemption on lines 42 to 44, page 2, HB 2124.

-Unless they are in the business of the rental of improvements, they are not engaging in property management subject to our regulation.

CHAIR SCHROEDER: Refers to line 43, page 2, HB 2124; is "nonreal" grammatically correct?

HAWES: Believes it is.

046 REP. NORRIS: Has a problem with "nonreal".

HAWES: My computer spell check verified the spelling.

REP. NORRIS: Couldn't we say, "incidental to the general management of forest or farm resources"?

HAWES: Has no problem with that wording.

-The key word is "incidental".

057 REP. DWYER: Define "incidental".

-Operations like Roseburg have houses where loggers and others live; is that what you mean by "incidental"?

HAWES: Exactly. In farm areas a lot of small farms have been put together in large ownerships. Often the old houses are left and rented to raise additional income. We consider that "incidental".

-We're looking at people who engage in farm and forest resource management, who are operating the farm and forest activities in general. They are not hired to rent houses per se.

REP. DWYER: Is there a point when you may cross the line from incidental to the original design of the program?

HAWES: We're dealing partly with someone who isn't in the business of renting farm houses.

-We're looking at people who characterize their work as renting buildings or dwellings.

090 REP. NORRIS: Aren't we talking about people who do this for the person they work for or on their own behalf? They wouldn't do this for clients serviced out of a trust account.

HAWES: There may be client's trust accounts held by these farm and forest managers. I doubt they hold client's trust accounts.

-A great deal of what they do is manage money from crop production or timber harvesting as well as hiring and paying bills.

REP. NORRIS: Generally they'd be doing it for themselves or for the person they directly work for and not a series of clients who own property.

HAWES: It's just the opposite; we're talking about people who are doing it just for clients; "doing it for another for compensation."

-An owner doing it for themselves is already exempt under the real estate law.

-We're talking about full-time employees, salaried employees, others who are exempt for other reasons in this same section that's being amended.

113 REP. DOMINY: What regulations are you exempting these people from?

HAWES: We're exempting them from a very thorough property accounting.

-Our problem in property management in general is with people handling other people's money.

-Oregon Administrative Rules 86310-200 to 225, contain the regulations for residential property management.

136 REP. DOMINY: We're only talking about regulations for accounting purposes. Are there any other regulations that have nothing to do with accounting?

HAWES: We're not looking at regulations of silviculture or farming practices.

-We're not exempting them from anything else we are aware of. This law only exempts them from the license, and education requirements, the property management-clients trust accounting system and the record keeping system.

REP. VANLEEUEWEN: My son has houses on property he owns. You would eliminate the housing availability if farm and forest managers had to meet new regulations

HAWES: It would increase the cost for an individual managing property for your son. Your son could manage the property himself; he's not subject to our law.

REP. VANLEEUEWEN: He is; he would be a farm manager on land he leases.

HAWES: It's possible if he leased land he would be considered a manager.

-Our law deals with ownership and exempts owners from licensing requirements from real estate in general.

-If it's a lease hold interest he has some rights.

-We're only interested in the person who's doing it as a service to a third party for compensation.

192 REP. DWYER: My concern is that some of the larger timber companies in places like Vaughn and Gilchrist have considerable rentals and they might not manage them themselves. What are the limitations? There may be situations where it would be in the best interest of the timber owners and citizens to know this information.

-Are Gilchrist and Vaughn examples of "incidental"?

HAWES: Nothing in this bill would exempt a third party manager from the Landlord Tenant Act.

-There is no good definition of "incidental".

-If Gilchrist Timber Company hired a third party to manage homes, we would consider that professional activity and not an incidental part of normal timber activities.

-The courts are normally looking at someone in the business of renting houses as opposed to being in the business of silviculture.

242 REP. DOMINY: Would an example of incidental be Weyerhaeuser renting a house at one of their plants?

HAWES: Yes.

251 REP. DOMINY: If someone needed to manage a housing development that wouldn't be incidental?

HAWES: It might be.

MORELLA LARSEN: If you own property, you can manage it however you want. Ownership is a key part. When they go outside of the company to manage property is when it comes under our law.

REP. DWYER: We're talking about a forester whose incidental duties may be managing properties and should be exempt.

HAWES: Correct.

CHAIR SCHROEDER: What's the relationship between lines 30 to 33 and 42 to 44 on page 2 of the bill?

HAWES: That exemption deals with timber cruising, forestry appraising, property valuation performed by someone as part of the consulting services.

CHAIR SCHROEDER: It's a little more specific.

HAWES: Yes. The substance of ORS 696.030 is the definition of what real estate is and isn't. It's been defined a great deal by exemption. The definition is broad, the exemptions are very specific. What's in

between is left to our regulations.

298 CHAIR SCHROEDER: Reads GARY CARLSON's testimony in support of the bill (EXHIBIT H).

-He closes the Public Hearing.

PUBLIC HEARING ON HOUSE BILL 2144 -- EXHIBITS I, J & K

BETH PATRINO: Describes HB 2144 (EXHIBIT I).

325 JIM BROWN, State Forester: Presents testimony in support of HB 2144 (EXHIBIT J).

382 REP. VANLEEUEWEN: Describe how the 1987 law changes the relationship between counties and the State Board of Forestry and how those lands are managed.

BROWN: House Bill 3396 amended the Forest Practices Act and changed the makeup of the Board of Forestry. He explains.

-The policy point is, should the Board of Forestry supervise or not supervise the scheduling and harvest of timber on forest land?

REP. VANLEEUEWEN: How did it change the relationship with the county trust lands?

BROWN: It did not.

REP. VANLEEUEWEN: This gives you more authority.

BROWN: It transfers authority from myself to the Board of Forestry.

REP. VANLEEUEWEN: This takes management of forest land out of the hands of someone who is a forester and puts it into the hands of a board that has three people who are related to forestry and four people who are not related to forestry.

BROWN: It transfers the oversight responsibility to the Board of Forestry.

432 REP. DWYER: Who appoints the Board of Forestry?

BROWN: The Governor with Senate confirmation.

REP. DWYER: Does the possibility of conflict still exist?

BROWN: The possibility is there.

REP. DWYER: Who's on the board and who do they represent?

BROWN: There are no designated seats.

-He describes the makeup of the board.

CHAIR SCHROEDER: Is it conceivable you could have four people on the board who want no timber cut?

TAPE 05, SIDE B



004 BROWN: It is; but Chapter 530, outlines the purpose of the lands, and the Oregon Constitution coupled with a 198 5 Supreme Court decision make it clear that the primary purpose of the land is the growing and harvesting of timber on behalf of the two fiduciary trusts that manage them.

010 SEN. JOSI: Is this at the request of the board?

BROWN: Yes, but it's also a recommendation of mine.

-He describes the process of managing state lands.

REP. NORRIS: If we change this the Board of Forestry may do all of the things deleted on lines 9 through 12, HB 2144.

-These are very technical aspects to allow amateurs to make decisions on. It would take a lot of education to exercise this particular responsibility.

030 BROWN: The board is a policy making board and they haven't gotten into technical details. We operate with them on policy levels.

CHAIR SCHROEDER: This seems pretty technical.

BROWN: When we now do harvest calculations, they can provide no oversight. This would allow them to provide some oversight.

REP. DOMINY: What's wrong with the current system; why do we need to change it? Have there been problems; is it cost saving?

BROWN: It's a policy call. What's the role of the Board of Forestry and what's the role of the State Forester? The board and myself believe the board should have that oversight.

-The system works well today. You could leave it the way it is; that would be fine.

REP. DWYER: Isn't this like the tail wagging the dog?

-That's how the ODFW works; he explains.

067 REP. MEEK: There was always a good clear policy. The Board of Forestry may set a policy of sustainable yield; but dwelling in scheduling, volume and species allocation could politicize the process more than it is now.

BROWN: He refers to lines 9 to 12, HB 2144. The deleted language is not being substituted anywhere else.

-By deleting that it says the board has policy oversight over Chapter 530. Nowhere in Chapter 530 does it say the board will get involved in the detail level it says in lines 9 to 12.

-That language was to make it clear in 1983 that the board was not to have anything to do with marketing.

-For example, the board could not make a comment that you will operate under a sustained yield policy.

107 CHAIR SCHROEDER: Are you hired by the board?

BROWN: Yes.

CHAIR SCHROEDER: If you didn't follow through they have some recourse.

REP. VANLEEUEWEN: Disagrees with his definition of sustained yield.  
That could be their policy.

BROWN: As we interpret lines 9 to 12, it precludes them from making that statement in respect to state forest lands, because that gets into the scheduling of timber.

CHAIR SCHROEDER: Did the board unanimously approve the introduction of this bill?

BROWN: Yes.

124 GIL RIDDELL, Council of Forest Trust Land Counties: Refers to "Fact Sheet" on forest trust lands (EXHIBIT K).

-This bill affects the kinds of professional decisions that should be left up to the professionals.

-We have no problem with the current board.

-He refers to line 5 of HB 2144. With the deletion, "the board shall supervise all matters of forest policy ...."

-As it was pointed out, the board has authority over the State Forester.

CHAIR SCHROEDER: Closes the Public Hearing.

PUBLIC HEARING ON HOUSE BILL 2146 -- EXHIBITS L & M

165 BETH PATRINO: Begins describing HB 2146 (EXHIBIT L).

CHAIR SCHROEDER: Recesses at 9:28.

-He calls the meeting back to order at 9:36

BETH PATRINO: Describes HB 2146.

202 CHARLIE STONE, Forest Practices Operations Unit Manager, Department of Forestry: Presents testimony in support of HB 2146 (EXHIBIT M).

249 REP. DWYER: Why do you want to repeal 527.990?

STONE: We aren't repealing it.

REP. DWYER: As it applies to this we do.

-There are other penalty provisions not applicable to the Forest Practices Act.

STONE: Nowhere in the bill do we delete it.

CHAIR SCHROEDER: It just adds ORS 527.992

STONE: The changes to the references are to add ORS 527.992 in all the references because it was not included in the references under HB 3396.

REP. DWYER: What were the problems in the bill we passed?

STONE: There are no glaring problems. We just wanted to clean up some things. He explains.

REP. DWYER: What's the rationale requiring all the parties to agree on an extension?

STONE: We trying to make sure the person who's given a civil penalty has a prompt hearing. If there was to be an extension, both parties have the opportunity to waive the requirement.

REP. DWYER: Everyone needs to agree to delay the hearing?

STONE: Correct.

319 REP. DOMINY: Refers to lines 16 through 18, page 3, HB 2146.

-Is this adding more bureaucracy? What's the intent?

STONE: It doesn't add anything, it changes the reference.

-He refers to lines 10 through 12. We intend to continue the three day requirement for the general public, but if it's only the Department of Revenue and county assessors requiring copies of the notifications, we felt that for paper work efficiency, we could send out the information once or twice a week rather than complying with the three day requirement.

352 REP. DOMINY: Have you worked on a simplification process? What's the format of this document? Are you looking at making this system as simple as possible?

STONE: There is an ongoing process; we're examining our overall process and computerizing the system.

-Within a year we expect to transfer information to the Department of Revenue electronically.

-Some counties need to receive this information and others don't need it. We can eliminate the paper work to those counties that don't need it.

-We're trying to make the system more flexible and efficient.

CHAIR SCHROEDER: Refers to line 9, page 3; "within three working days of receipt of a notice ...."

-Where does it say "five" and "after 14 days"?

392 STONE: That's another reference all together. The three and five working days has to do with the decisions on written plans; that's found on lines 28 through 32, page 3.

REP. NORRIS: This applies to privately owned and state owned timberland?

STONE: Primarily privately owned timber land.

REP. NORRIS: If someone had an opportunity to harvest and sell several acres of timber, how long would it take before they could notify the buyer to go ahead?

STONE: You would be required to notify the Department of Forestry of your intent by filling out a two page form. Unless there were certain circumstances to the type of operation and proximity to special resources or threatened and endangered species; there is a 15 day waiting period. That 15 day period can be waived by the forest practices forester. For the special sites a written plan must be submitted and approved and there is a 14 day waiting period on that plan.

REP. NORRIS: What if a group doesn't want that timber cut?

STONE: That's provided for in the law. The only time the public can appeal the approval of a written plan are for very specific types of operations and then only when they've participated by comment. He describes the process.

TAPE 06, SIDE B

027 CHAIR SCHROEDER: What's the fee?

STONE: The fee is based on the size of the area they are interested in. It's \$3.00 per section for a year's subscription to receive plans. There is a \$15 minimum. There are discounts based on size.

043 CHAIR SCHROEDER: You talked about an amendment.

STONE: It pertains to page 3, lines 16 through 18. On line 18, delete "mutually agreed upon by" and substitute, "as determined through written cooperative agreement of".

CHAIR SCHROEDER: We'll deal with that when we come to it.

060 REP. VANLEEuwEN: Where are civil penalties?

STONE: Page 4, lines 7 through 11.

-He refers to page 2 of his testimony, "In Section 5 ...."

-He continues with section 6.

083 REP. DOMINY: How much time will one more agency add to the waiting period?

STONE: This list deals with rule making and not the approval of operations. There are no check offs with other agencies in regards to approval. This wouldn't add any time. When the Board of Forestry considers changing rules that regulate forest practices, they check off with other agencies.

REP. DOMINY: Is there an average amount of time it takes to get an approval?

STONE: For operations that require approval there is a requirement that the department can't approve for 14 days to allow for comments. After that 14 days a decision must be made within five working days or it's

automatically approved.

REP. VANLEEUEWEN: If you're dealing with the Department of Fish and Wildlife it takes longer than five days.

STONE: The five days follows the 14 days. Once a plan is submitted, if we take no action within 14 calendar days and five working days, it's automatically approved.

REP. VANLEEUEWEN: Fish and Wildlife can hold you up while they study.

STONE: They can ask us to hold up an operation, but they have no approval authority.

132 CHAIR SCHROEDER: How many times has the Department of Fish and Wildlife stopped an operation?

STONE: We consult with them and they raise questions all of the time, but they've never stopped an operation. There have been cases where we've stopped an operation. It ultimately comes down to a decision by the Department of Forestry.

REP. NORRIS: Refers to page 4, lines 39 to 44. "Threatened and endangered fish and wildlife species" are not "resource sites". This syntax seems incongruous. Do you mean habitat of threatened fish and wildlife species?

STONE: That is awkward language. We previously suggested language to fix that.

168 BROWN: One of the major purpose of HB 3396 was to transfer the responsibility under the land use planning process contained in Goal 5, the open spaces provisions, to the Department of Forestry. Those aspect of Goal 5 that related to the forest were transferred out of the land use program and into forest practices. The processes and terms used in Goal 5 were transferred into the bill.

-The forest industry did not want the term "habitat" used. Habitat was removed and species and species sites were inserted.

REP. NORRIS: It's grammatically inconsistent.

BROWN: We have yet to address that in terms of fisheries.

-Most species have been specific sites. Where we've had to deviate and expand what site means was with the spotted owl. We had to define the core area around the nesting tree and the activity center they use as the resource site.

200 REP. DWYER: If it hasn't been identified, it's all right. That's why site's in there.

BROWN: Correct.

REP. NORRIS: It follows that a bird or fish that's threatened or endangered are considered a site in the context of this statute.

CHAIR SCHROEDER: On page 5, lines 1 through 3, it talks about specific sites.

REP. NORRIS: A site is a fixed location and is inconsistent and confusing.

217 REP. DWYER: It's been that way since it's been adopted.

REP. VANLEEuwEN: What impact does section 6 have on wetlands?

BROWN: The board has to identify significant wetlands. We are participating with the Division of State Lands in the National Wetlands Inventory. The board has to determine what conflicts occur. If conflicts occur, the board has to determine what is appropriate protection of wetlands. We have a technical working team helping us.

-Wetlands are classified into about three or four categories. You have to decide what levels of resource protection to provide.

REP. VANLEEuwEN: One definition for wetlands is if water has been standing for more than seven days.

BROWN: There are about three or four different definitions on the table for discussion.

-You're correct that that is someone's definition of a wetland.

-The definition we and the Division of State Lands use is if the soil type is aquatic and there is aquatic type of vegetation it is a wetland.

-The definition you referred to is not reasonable.

280 REP. JOSI: Would land be classified as a wetland if it had several tussock plants--an aquatic plant--on it?

BROWN: Some people would call that a wetland. Our charge is to protect significant wetlands.

-He gives an example of a significant wetland in Coos Bay.

-It was the intent of the bill that when the process was transferred out of the county comprehensive planning process into the Forest Practices Act, those types of standards also apply.

313 STONE: Refers to amendments, page 3 of testimony.

REP. DOMINY: What are you doing with section 7?

STONE: We're trying to update the statutory references.

REP. DOMINY: ORS 527.610 to 527.990 is the Forest Practices Act?

STONE: Correct.

REP. VANLEEuwEN: What do the county trust lands have to do in any decisions by the Board of Forestry's or department's decisions?

BROWN: The Trust Lands Advisory Committee advises the board and department.

REP. VANLEEuwEN: Did they have a representative on the previous 18 person board?

BROWN: Yes.

REP. VANLEEUEWEN: Was it the department's recommendation that they be taken off the board?

BROWN: It was part of the negotiated agreement.

REP. VANLEEUEWEN: I think some of the things that were eliminated in that bill should have remained.

STONE: The bill has no fiscal impact and we urge its passage.

442 PHIL WARD, Department of Agriculture: We support the reference to our agency in this bill.

CHAIR SCHROEDER: It's putting current practice into writing.

WARD: Yes.

-He introduces CHRIS KIRBY, Assistant Administrator, Plant Division, Department of Agriculture who is responsible for the department's pesticide programs.

CHAIR SCHROEDER: Closes the Public Hearing.

TAPE 07, SIDE A

WORK SESSION ON HOUSE BILL 2124

026 CHAIR SCHROEDER: Opens the Work Session on HB 2124

MOTION: REP. NORRIS: Moves to approve House Bill 2124 and send it to the Floor of the House with a Do Pass recommendation.

VOTE: The motion carries unanimously.

CARRIER: REP. NORRIS

WORK SESSION ON HOUSE BILL 2242

MOTION: REP. DWYER: Moves to amend House Bill 2242 by extending the sunset date four years.

049 REP. MEEK: Has no problem with extending the sunset.

-Along with the sunset this committee should be presented with the results of the monitoring of the emissions so we can see the effects.

REP. DWYER: That's a good idea.

REP. MEEK: You should have reports in your amendment.

REP. DWYER: Offers a friendly amendment: Extend the sunset date four years and have the Department of Forestry report in writing back to this committee with some definite information about the success of the program.

CHAIR SCHROEDER: Section 6, chapter 920, Oregon Laws 1989, says that on or before January 1, 1991 they have to give a report to the appropriate interim committee.

BETH PATRINO: Believes it was submitted.

CHAIR SCHROEDER: We didn't have an interim agriculture committee, we had an interim forest policy committee.

REP. DOMINY: In order to have this kind of amendment we will have to put off the actual vote until another meeting. I suggest we might want to change the law so the report is to the Legislative Assembly.

-Maybe we can get a copy of the report.

CHAIR SCHROEDER: I've asked the State Forester to give us some background on this report.

BROWN: The report was given to the Interim Committee on Environment and Energy.

-We'd be happy to give you copies and could make a presentation on the report.

101 CHAIR SCHROEDER: Does this eliminate the need for your amendment, REP. DWYER?

REP. DWYER: I was on the interim committee, but don't remember the report. We don't have the information. I concur with REP. DOMINY, the substantive committee should make the decisions.

114 MOTION: REP. VANLEEUEWEN: Moves to amend section 6, chapter 920, so the report is given to the appropriate committee on or before January 30, 1993.

-That should satisfy REP. DWYER's concerns.

REP. DWYER: Whatever it legally takes.

REP. MEEK: That report needed to be submitted to this committee. We can establish the legislation so that as the work goes on it is answerable to this committee.

CHAIR SCHROEDER: EDWARD, was this report made to the Interim Committee on Forest Products Policy?

EDWARD C. KLEIN, Committee Assistant: It was never presented to the committee.

148 REP. JOSI: Shouldn't this be a biennial report? There's nothing to say there would be any future reports.

REP. DOMINY: Say there will be a report to each Legislative Assembly by January 30. Doing that and extending the sunset would address my concerns.

CHAIR SCHROEDER: REP. VANLEEUEWEN mentioned 1993.

REP. VANLEEUEWEN: He talked about the sunset, I'm talking about the report.

REP. DWYER: The report should come at the time of the sunset. This is one way to insure the substantive committee hears the report.



CHAIR SCHROEDER: Your point is well taken.

-BETH, would you review the amendment to the amendment.

182 BETH PATRINO: You would like to amend section 6, chapter 920, Oregon Laws 1989, to require the Department of Forestry to submit a report to the Legislative Assembly.

-Do you want the report submitted when the sunset is up or to each session of the Assembly?

REP. DOMINY: The sunset date is appropriate.

REP. DWYER: My amendment was for 1995, REP. VANLEEUEWEN's said 1993.

CHAIR SCHROEDER: We should vote on the amendment of the amendment. It will sunset in two years and a report will be given to this committee by January 30, 1993.

REP. VANLEEUEWEN: That was my proposal.

CHAIR SCHROEDER: If we don't approve this REP. DWYER could offer an amendment that we review it in four years.

REP. VANLEEUEWEN: It's not a bad idea for them to report by January 30, 1993 and have the sunset in four years.

REP. DWYER: I agree, but unless an agency or program is threatened doesn't mean we'll give it the kind of consideration we would give it at a time it is germane.

REP. DOMINY: Continual review should be in the law. Put it in the law that they report every two years, with a sunset in four. That would give us a mechanism to continue the process of advising the committee even if it sunsets.

REP. VANLEEUEWEN: If they are doing what's designated, they wouldn't have to create much more paper, they'd just give us a report of the facts and figures they have at the time.

CHAIR SCHROEDER: I suggest we name this committee or its successor.

250 REP. MEEK: That was my original intent.

CHAIR SCHROEDER: That's not part of the amendment.

REP. NORRIS: Apparently the Department of Forestry has submitted the report to the Interim Committee on Environment and Energy.

-Shouldn't we see it before we act on this?

REP. DWYER: Was a member of the Interim Committee on Environment and Energy, but doesn't remember the report.

REP. NORRIS: I'd like to see the report, before we act.

REP. DWYER: Let's defer action until we see the report.

278 MOTION: REP. DWYER: Moves to Table HB 2242.

VOTE: The motion passes unanimously.

REP. DWYER: When the report is given we can remove this from the table.

CHAIR SCHROEDER: We'll reschedule this bill after we have the report.

REP. DOMINY: Could we get the report in advance?

REP. VANLEEUWEN: Can we draft the proposed amendments anyway?

BETH PATRINO: I don't think that's a problem.

300 CHAIR SCHROEDER: Closes the Work Session.

MOTION: REP. VANLEEUWEN: Moves to adjourn.

CHAIR SCHROEDER: Adjourns at 10:40 A.M.

Submitted by: Reviewed by:

Edward C. Klein, Beth Patrino, Committee Assistant                      Committee  
Administrator

EXHIBIT LOG:

A - "Do Oregon Timberland Owners Pay Their Fair Share of Taxes" -  
Rep. Schroeder - 2 pages. B - Budgetary Information of Hardwood  
Forest Products Resources Committee - J. Michael Beyerle - 2 pages.  
C - HB 2143-1 Amendments to HB 2143 and hand engrossed bill -  
Staff - 2 pages. D-SMS, Fiscal and Revenue impacts on HB 2242 - Staff -  
5 pages. E-Testimony on HB 2242 - Don Matlick - 2 pages. F-SMS, Fiscal  
and Revenue impacts on HB 2124 - Staff - 3 pages. G-Testimony on HB 2124  
- Steve Hawes - 5 pages. H-Testimony on HB 2124 - Gary Carlson - 1 page.  
I-SMS, Fiscal and Revenue impacts on HB 2144 - Staff - 3 page.  
J-Testimony on HB 2144 - Jim Brown - 1 page. K-Council of Forest Trust  
Land Counties (fact sheet) - Gil Riddell - 2 pages. L-SMS, Fiscal and  
Revenue impacts on HB 2146 - Staff - 3 page. M-Testimony on HB 2146 -  
Charlie Stone - 3 pages.