

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.

HOUSE COMMITTEE ON AGRICULTURE, FORESTRY & NATURAL RESOURCES

April 18, 1991 Hearing Room F 8:15 A.M. State Capitol
Tapes 69 - 70

MEMBERS PRESENT: REP. WALT SCHROEDER, Chair REP. LIZ VANLEEUWEN,
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

MEASURES CONSIDERED: HB 2501 - PUBLIC HEARING and WORK SESSION

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TAPE 69, SIDE A

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

PRESENTATION ON COUNTY TRUST LANDS -- EXHIBIT A

Witnesses: Gil Riddell, Council of Forest Trust Land Counties Pat
Wallace, Commissioner, Clatsop County and Vice-Chair Council of Forest
Trust Land Counties

016 GIL RIDDELL, Council of Forest Trust Land Counties: Presents
testimony on the Council of Forest Trust Land Counties (EXHIBIT A).

026 PAT WALLACE, Commissioner, Clatsop County and Vice Chair Council of
Forest Trust Land Counties: Thanks the committee for their attention and
recognition of the problems involved.

-They present the video, "From Ruin to Rejuvenation," about the
Tillamook burn and restoration.

437 CHAIR SCHROEDER: That was a real success story of what can be done
when people get involved.

449 REP. NORRIS: How was the \$12 million bond sale maintained before
there was a revenue flow?

RIDDELL: The bonds were paid off by the state. As the trees are
harvested and revenues are produced, in the areas for which those bonds

were created, a portion of the revenues go to paying off the state.

-The bonds have been satisfied.

TAPE 70, SIDE A

019 CHAIR SCHROEDER: Were they general obligation bonds?

RIDDELL: Yes.

CHAIR SCHROEDER: We talked about revenue bonds and GO bonds when we discussed HB 2317.

023 REP. MEEK: A portion of the revenue coming off the timberland pays back the state. The balance is shared between the schools and counties.

033 REP. DWYER: Most of the money has been paid back.

043 REP. JOSI: Does the state set aside any of those monies for the management of the forest?

RIDDELL: Thirty-six percent of the gross revenues goes to reforestation and intensive forest management.

REP. JOSI: What percentage of the two-thirds goes back to the counties and schools?

RIDDELL: The formula depends upon when the property changed hands from the county to the state. Generally, the first 10 percent goes to the counties and the next 25 percent goes into the county school fund. The balance is shared, based on the property tax distribution formula of that county.

REP. JOSI: Could you prepare a one page document describing that?

RIDDELL: Yes.

078 REP. DWYER: How many times has the formula been changed?

RIDDELL: The last time was 1977.

REP. DWYER: How many times has it changed?

RIDDELL: Explains.

-There have been several minor changes in the statute.

PUBLIC HEARING ON HOUSE BILL 2501 -- EXHIBIT B

Witnesses: Ann Hanus, Assistant State Forester, Department of Forestry
Kathy Shutt, Manager, Resource Planning, Department of State Parks and Recreation

CHAIR SCHROEDER: Opens the Public Hearing.

095 BETH PATRINO: Presents an update on the bill and describes HB 2501-4, Proposed Amendments to House Bill 2501, dated 4/16/91 (EXHIBIT B).

156 REP. DWYER: Where did the amendments that add three county members

come from?

BETH PATRINO: That was from a suggestion of REP. MEEK and a couple of committee members.

REP. DWYER: How long will the State Forester participate in the reforestation?

167 ANN HANUS, Assistant State Forester, Department of Forestry: Former State Forester ED SCHROEDER participated in the reforestation.

REP. DWYER: Aren't we limiting ourselves by this language?

HANUS: It will take approximately the next two years to complete the plan and hopefully MR. SCHROEDER will be around.

REP. DWYER: Do you expect the advisory committee to be around after the plan is completed?

HANUS: It depends on how long the plan takes and what their recommendations are.

REP. DWYER: Is there any language that sunsets the advisory committee?

HANUS: That's not a bad suggestion.

187 CHAIR SCHROEDER: We could insert "initially" before "former State Forester".

REP. DWYER: That doesn't take care of it after the initial aspect.

-We could say "could include" or "must include" a State Forester.

CHAIR SCHROEDER: You can suggest some wording when we go into Work Session.

200 REP. DOMINY: Refers to page 2, line 12 of the bill.

-We need to set a perimeter. He suggested that instead of "appropriate" we add "no more than five acres". He will probably address that in Work Session.

-We should have one member representing the timber industry on the advisory committee.

-Why didn't those suggestions end up in the amendments?

228 HANUS: We wrestled with how to put a constraint on the acreage. We didn't know the form the memorial will take.

REP. JOSI: Shares REP. DOMINY's concerns.

-He keeps thinking in terms of an interpretive center and has a spot for it in mind and would hate a five acre limitation.

257 REP. VANLEEUEWEN: Refers to page 2, lines 15 to 18, HB 2501-4.

-She would like the Department of State Parks and Recreation and the Department of Forestry put their interpretation of that language on the record.

HANUS: In drawing up a recreation plan we would look at the purpose of that state forest.

-She refers to page 2, lines 21 to 30 and page 3, lines 1 to 9, HB 2501-4.

-These are the primary areas to consider for the recreation plan.

REP. VANLEEUEWEN: You're looking at developing a recreation plan for the whole state forest?

HANUS: We would look at existing campgrounds and at identifying trails.

300 KATHY SHUTT, Manager, Resource Planning, Department of State Parks and Recreation: We will start out looking at the entire acreage and end up looking at those areas where there are opportunities for recreation.

-Fairly limited areas would be involved in the recreation plan.

REP. VANLEEUEWEN: You could decide the whole Tillamook forest could be for recreation.

-How much are you looking at putting in parks and trails and how much in available harvest?

HANUS: Does not envision sizeable lands will be taken out of production.

-We will work with the recreation sites already there and look at where we can enhance them.

-We will not be identifying significant wilderness areas, because that would be counter to the direction of the bill--making this consistent with the primary purpose of timber production.

340 REP. VANLEEUEWEN: You have "scenic" in there.

CHAIR SCHROEDER: That's on page 2, line 4.

REP. DWYER: That's the purpose of the plan.

REP. VANLEEUEWEN: Wants an answer from State Parks.

SHUTT: Any recreational use would be subservient to the plans the Department of Forestry has for timber harvest.

-Anticipates we will be avoiding any kind of set-asides and if there are any, they would be limited to the existing recreation sites.

-There would probably be a lot of trails.

-Our intent is not to inhibit the production of that forest.

REP. VANLEEUEWEN: If you had scenic view points would you allow substantial cutting?

HANUS: That would not be part of the plan.

-We hope to educate the public on what a working forest is.

-Part of the recreation plan might be to put up signs describing what's going on.

CHAIR SCHROEDER: We want the intent clearly identified that this is a managed forest for timber production. He hopes the entire acreage would be allowed for recreation, but not set aside for recreation.

HANUS: We're excited about the possibility of showing what we can do with a managed forest and that we can combine recreation without having an effect on timber harvest.

CHAIR SCHROEDER: What about adding equestrian trails to page 2, lines 28 to 30?

SHUTT: We thought we caught everything.

440 REP. DWYER: On the advisory committee he would like to have a timber representative, two representatives of the counties in which the forest is located, a State Forester or former State Forester, the Dean of the College of Forestry or his designee and two citizens representing the general public.

-The plan would then reflect their backgrounds.

TAPE 69, SIDE B

023 CHAIR SCHROEDER: There are nine members; the Speaker of the House and President of the Senate each appoint a member.

REP. DWYER: He wouldn't change those representatives.

032 REP. MEEK: When you set up the discussion, would the areas that were utilized to fight the forest fire be considered in the plan or is it limited to the burn area?

063 SHUTT: That's a good point.

-When looking at the memorial we'll be looking at the history of the involvement of that person. Certain places outside of the boundaries may be appropriate. As long as that is not a problem with the Department of Forestry, that is something to consider.

REP. MEEK: He is concerned that we have acreage for timber production and have no net loss of the timber base.

-There's no direction saying we have to meet the intent of ORS 530.050. We don't want to leave this issue unresolved.

-We need to make the intent clear that we have no net loss of productive land.

111 CHAIR SCHROEDER: No net loss opens all kinds of problems.

-There may be a better way to word this.

REP. VANLEEUEWEN: The advisory committee should have a representative from each of the three counties and have one citizen representing the general public and one citizen who is actively involved in forestry.

CHAIR SCHROEDER: We'll get to that in Work Session.

-He hopes a trails system doesn't preclude harvesting.

SHUTT: That's our understanding.

-We've looked at places that have movable trails. Where the harvest is depends on which trails are open.

CHAIR SCHROEDER: The trail will not preclude the harvest of timber?

SHUTT: No.

145 REP. NORRIS: Maybe we can have the advisory committee report back to the Legislature in 1993 and not worry about all the details.

CHAIR SCHROEDER: We need to get some of these important concepts and points across.

REP. NORRIS: The key is keeping the primary purpose of the forest for production. Everything else has to adapt to that.

REP. JOSI: Refers to page 2, line 1. Why do you have "important purpose" and not "primary purpose" like you do everywhere else in the amendments?

HANUS: We didn't mean to be inconsistent.

REP. JOSI: Feels uncomfortable going into Work Session before we have time to look over the amendments.

CHAIR SCHROEDER: Would like to go into Work Session to get everything we want before we take a vote.

REP. DOMINY: Feels comfortable doing that.

REP. NORRIS: We have three counties involved. Could this develop into a battle about who gets what?

-Can you settle things among yourselves

REP. JOSI: You have valid concerns.

212 REP. MEEK: The counties involved in the trust lands have an agreement. The revenues coming off individual counties go to that county.

-The only significant impact that may occur is if a very large block of land is taken out of production and is one county.

REP. NORRIS: There could be tourist money involved.

REP. DWYER: Doesn't think a large block will be taken out of production.

-There is case law that indicates the counties have a vested right to the income that comes off the land.

REP. MEEK: Doesn't think there will be a problem.

CHAIR SCHROEDER: Closes the Public Hearing.

WORK SESSION ON HOUSE BILL 2501

Witnesses: Ann Hanus, Assistant State Forester, Department of Forestry
Gil Riddell, Council of Forest Trust Land Counties
Kathy Shutt, Manager, Resource Planning, Department of State Parks and Recreation

CHAIR SCHROEDER: Opens the Work Session.

247 MOTION: REP. DOMINY: Moves on page 3, line 19, HB 2501-4, after "County" insert "one of these members shall represent the timber industry".

-We still have three county representatives one of those people would represent the timber industry.

-We could add another member to the committee.

277 REP. VANLEEUEWEN: Opposes the motion.

-A representative should be chosen from the three counties, one citizen at large and one timber representative.

REP. DWYER: Won't support diluting the public representation.

-He gave BETH language that adequately represents the counties.

310 REP. JOSI: Has no problem keeping the two public members. We should make it a 10 member board and add a timber representative.

REP. MEEK: Supports REP. DOMINY'S motion.

-The three counties do work closely on this issue. You could end up with three timber representatives from the counties.

CHAIR SCHROEDER: Would you see that as a representative of the county commission?

REP. MEEK: It is a representative of the county and not necessarily a representative from the commission.

CHAIR SCHROEDER: Would they appoint a commission representative?

REP. MEEK: They could, but he doubts they would.

REP. DWYER: Most of the counties involved have a county forester.

-He suspects the county commissioners would appoint a person familiar with forestry.

REP. JOSI: He decides to support the motion.

REP. NORRIS: Why do the Speaker and President have to appoint a representative?

BETH PATRINO: That came from the Department of Forestry's amendments.

382 ANN HANUS: That was in the original amendments.

-We felt that if you wanted legislative involvement one member would be appointed by the President and one by the Speaker.

CHAIR SCHROEDER: Would we assume they would be legislators?

HANUS: They could be.

REP. NORRIS: We could eliminate them.

406 VOTE: The motion passes 5 to 2.

AYE: REP. DOMINY, REP. DWYER, REP. JOSI, REP. MEEK, REP. SCHROEDER.

NAY: REP. NORRIS, REP. VANLEEUEWEN.

413 MOTION: REP. DWYER: Moves on page 3 to delete lines 20 and 21, HB 250 1-4, and insert "(b) A State Forester or former State Forester."

CHAIR SCHROEDER: Hearing no objection the motion passes.

REP. VANLEEUEWEN: Asks for a clarification of REP. DOMINY's amendment.

REP. DOMINY: It would be someone representing the timber industry.

TAPE 70, SIDE B

012 REP. VANLEEUEWEN: Your intent is someone who is involved in the timber industry?

REP. DOMINY: Yes.

CHAIR SCHROEDER: Recognizes the seventh grade students that are in the audience from Parrish Middle School, Salem.

-He recesses at 9:46 A.M.

-He reconvenes at 9:57 A.M.

043 MOTION: REP. DOMINY: Moves on page 3, line 6, HB 2244-4, to delete "appropriate" and insert "of no more than five acres permanently set aside."

-The committee will make the final decisions, but he wants to make sure they have the proper parameters.

059 REP. MEEK: Agrees with the motion if the five acres is limited to the productive lands to carry out ORS 530 .050.

-He doesn't want to exclude the committee from building an interpretive center on 20 acres.

REP. NORRIS: Appreciates REP. DOMINY's point, but it is unduly restrictive.

-These might be facilities other than memorials. He hopes they would be useable facilities.

CHAIR SCHROEDER: If we're talking about a building, five acres would be adequate. Five acres may be too restrictive if we're talking about a campground.

066 REP. VANLEEUEWEN: REP. DOMINY is trying to amend one piece of a list.

-Other areas are separate from the memorials.

101 REP. DOMINY: The intent of the motion is not to limit all facilities.

-He is talking about the actual memorial for NANCY RYLES. We need to limit that area.

REP. JOSI: Is that also the interpretive center? That's something completely different?

REP. DOMINY: There are other things in the other sections.

CHAIR SCHROEDER: You could be adding more land than you want to add.

REP. DOMINY: He wants to make sure we will not set aside large acres for a memorial.

139 REP. VANLEEUEWEN: Is not comfortable with the amendment.

-She wants to limit the size.

REP. DWYER: Vast areas won't be set aside. We are not making the plan. He has confidence in the committee who will be making the plan.

BETH PATRINO: Reads the proposed amendment.

REP. VANLEEUEWEN: Agrees with the concept, but will vote no.

REP. DWYER: Concurs.

169 VOTE: The motion fails 5 to 2.

AYE: REP. JOSI, REP. DOMINY.

NAY: REP. DWYER, REP. MEEK, REP. NORRIS, REP. VANLEEUEWEN, REP. SCHROEDER.

173 CHAIR SCHROEDER: We had a discussion about the county representatives. The original intent was that they be representatives of the governing body or their designee.

184 MOTION: REP. MEEK: Moves to rescind the motion and in its place we amend page 3, lines 18 to 19. After "from" insert "the governing bodies or their designees of".

CHAIR SCHROEDER: Are you going to leave off the timber industry representative?

REP. MEEK: Yes.

CHAIR SCHROEDER: We'll put that in later.

REP. DOMINY: The counties will be making recommendations and the appointment will be made by the State Parks and Recreation Commission and the State Board of Forestry.

-The best thing to do would be to add another member to represent the timber industry.

213 REP. DWYER: Offers a friendly amendment to increase the committee to 10 and add a representative from the timber industry.

REP. MEEK: Has no problem with the friendly amendment.

BETH PATRINO: Asks for clarification.

REP. DOMINY: We would add a subsection (f) to add a representative from the timber industry.

CHAIR SCHROEDER: Hearing no objection the motion passes.

235 REP. JOSI: Is there any objection to one legislative member appointed by the Speaker and President?

REP. DWYER: We historically appoint members from this body.

HANUS: The intention was to leave this flexible.

CHAIR SCHROEDER: Is the intent to have a Representative and a Senator?

REP. DWYER: That's the intent.

263 REP. DOMINY: Do we want this committee to sunset?

REP. DWYER: They have to submit a report next session.

-GIL, is there a continuing need for this committee once the plan is adopted?

278 GIL RIDDELL, Council of Forest Trust Land Counties: May not be the right person to answer.

-It depends on the length of the study and whether or not there is any follow-up and later versions.

286 KATHY SHUTT, Manager, Resource Planning, Department of State Parks and Recreation: In similar situations it has been helpful to have a body like this to guide the implementation.

-The intent was to have the plan approved by the next biennium.

REP. DOMINY: We can always repeal a sunset.

304 MOTION: REP. DOMINY: Moves the committee sunsets on July 1, 1993.

CHAIR SCHROEDER: Hearing no objection the motion passes.

317 MOTION: CHAIR SCHROEDER: Moves on page 2, line 1, to delete "important" and insert "primary".

CHAIR SCHROEDER: Hearing no objection the motion passes.

321 MOTION: REP. SCHROEDER: Moves on page 2, line 30 to delete "and" and insert "equestrians" and after "pedestrians" insert "and pack animals".

CHAIR SCHROEDER: Hearing no objection the motion passes.

REP. DWYER: Does this go to Ways and Means?

CHAIR SCHROEDER: We need to have a figure in here.

-We have an analysis of a cost of \$174,000, so it will have to go to Ways and Means.

REP. DOMINY: It was my understanding we wouldn't take action now.

364 BETH PATRINO: GIL RIDDELL suggested "Clatsop County" be inserted before "Judge Guy Boyington" on page 1, line 10.

-It has been suggested that page 1, line 6 be expanded to include citizens of other counties.

REP. DWYER: Let's say "citizens of the affected counties".

CHAIR SCHROEDER: Is that acceptable?

-Hearing no objection it is so ordered.

REP. MEEK: County Judge Guy Boyington?

CHAIR SCHROEDER: That appears in two places.

-Hearing no objection it is so ordered.

401 MOTION: REP. DOMINY: Moves to adopt the conceptual amendments and have them drafted by Legislative Counsel.

411 VOTE: The motion passes unanimously.

REP. MEEK: Thanks ANN HANUS for her work on the amendments and the Forest Trust Land Counties for the film.

432 REP. NORRIS: ORS 530.050 is very specific. It would be a good idea to look at it for future consideration.

CHAIR SCHROEDER: Would like to schedule this next Tuesday.

-We will hear House Bill 2481 at another time.

-He adjourns at 10:25 A.M.

Submitted by: Reviewed by:

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

EXHIBIT LOG:

A - Council of Forest Trust Land Counties Fact Sheet - Gill
Riddell - 2 pages B - Amendments to HB 2501 - Staff - 5 pages