

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

May 16, 1991 Hearing Room F 8:00 A.M. State Capitol Tapes
106 - 108

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 2244 - WORK SESSION HB 3214 - WORK SESSION HB
2763 - WORK SESSION

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TAPE 106, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:05 A.M.

-We're meeting tonight at 5:30 P.M. in Room 357.

WORK SESSION -- HOUSE BILL 2244 -- EXHIBITS A

Witnesses: Don Hull, State Geologist Jeannette Holman, Legislative Counsel Dave Barrows, Executive Director, Oregon Mining Council Jean Cameron, Oregon Environmental Council Margaret Kirkpatrick, Oregon Counsel, Atlas Precious Metals Roy Ehlinger, Regional Counsel, National Wildlife Federation Larry Tuttle, Oregon Regional Director, The Wilderness Society Gary Lynch, Supervisor, Mine Land Reclamation, Department of Geology and Mineral Industries

CHAIR SCHROEDER: Opens the Work Session.

-DON, could you describe the amendments (HB 2244-17, Proposed Amendments to House Bill 2244, dated 5/16/91 (EXHIBIT A))?

032 DON HULL, State Geologist: Has not had a chance to review them.

034 BETH PATRINO: This was drafted at the industry's request.

040 JEANNETTE HOLMAN, Legislative Counsel: Describes HB 2244-17.

-This was adopted from the Energy Facility Siting Council statutes.

052 CHAIR SCHROEDER: They say who's responsible for the costs of the activities leading up to a permit?

HOLMAN: This replaces similar language on page 20 of the -3 amendments that was not as detailed.

CHAIR SCHROEDER: This replaces the fee proposals in the -3 amendments?

HOLMAN: Yes. The intent is the same, but the -17 amendments provide more detail in requiring the agencies to line item.

083 REP. DOMINY: Refers to line 9, HB 2244-17. No other costs are incurred after section 24?

HOLMAN: This refers to the consolidated application process. Sections 25 to 39 are amendments that bring the other agencies' existing statutory provisions into line with the consolidated process.

098 REP. DOMINY: What happens if something isn't covered?

HOLMAN: If we miss something we come back next session. She doesn't think we have.

-Sections 2 to 24 are the process and refer to the other agencies referenced in sections 25 to 39.

REP. JOSI: Refers to page 2, lines 5 to 7. What type of appeals process is available to the applicant to challenge the fees?

115 HULL: There is a clear formal and informal appeal requirement already in the law and rules to which this bill would be attached.

REP. JOSI: Does the whole process shut down during the appeal?

HULL: It depends on the nature of the appeal.

-If it was over the fees, he doubts the permit process would shut down.

REP. JOSI: This almost seems to be an open checkbook.

HULL: Believes a budget is required for a project.

-In deliberations with the applicant on a budget all the concerns would be addressed.

-If the budget was exceeded improperly or we mischarged some costs there would be an opportunity for the applicant or permittee to argue with us about that.

REP. JOSI: Why didn't we get this amendment before?

150 DAVE BARROWS, Executive Director, Oregon Mining Council: This was done at our request.

-This is a workload issue and not an attempt to slide anything in.

-We had originally proposed a fee schedule and are now willing to get away from a fee schedule.

167 HULL: There is one change.

-On line 12, HB 2244-17 after "17 insert "and 18".

-This would allow the expenses of hiring a third party contractor to apply to the environmental and socio-economic impacts.

178 REP. DOMINY: Are you satisfied that the appeal process is clear enough so we don't need an amendment to assure the rule process is a part of this?

HULL: We will pick up the existing DOGAMI provisions.

BARROWS: We're concerned about the appeal procedures. We need to sit down with the department and look over their language. We might have to come back and adopt the appeals procedure language from the Energy Facility Siting Council statutes.

CHAIR SCHROEDER: It's our intention to develop the conceptual amendments and draft them for final action tonight.

206 MOTION: REP. JOSI: Moves on line 12, HB 2244-17, after "17" insert "and 18".

CHAIR SCHROEDER: Hearing no objection the motion passes.

MOTION: REP. JOSI: Moves to adopt HB 2244-17, Proposed Amendments to House Bill 2244-17, dated 5/16/91 as amended.

217 JEAN CAMERON, Oregon Environmental Council: We have a concern about setting a cap of 110 percent on the initial fees in lines 20 to 24.

-This appears to tie the department's hands.

-She would like the department to address that.

241 HULL: A budget is appropriate for large expenses.

-Administration manageability is not a problem.

CHAIR SCHROEDER: You see no problem?

HULL: No.

CAMERON: What happens if the budget is significantly low?

256 REP. JOSI: The amendment is designed to recoup expenses that weren't perceived.

-The clause that says it can't be 110 percent over. That may be a little low.

263 CAMERON: It's proper to require a detailed budget, but she is not clear what happens if they are too low.

-What's the next step?

CHAIR SCHROEDER: Who's hurt if they're off?

CAMERON: The state.

BARROWS: We've agreed to pay all the expenses. If the budget is too low we will stop the process.

-We'd like to have some sense they are keeping an eye on our money.

REP. VANLEEUEWEN: We could insert "approximately" before "110 percent".

297 REP. NORRIS: Lines 22 and 23 say "unless the department provides...". There's a means to exceed 110 percent.

CAMERON: HB 2244-3 (EXHIBIT C, 5/13/91), page 20, lines 19 to 23 seems to get at the industry's concerns of providing an itemized statement and why we need more over the original application fee.

-She is unclear what this does that they were already granted.

316 MOTION: REP. DOMINY: Moves in HB 2244-17, page 1, line 22, delete "of 110 percent".

CAMERON: It gives the agency room to move.

CHAIR SCHROEDER: Hearing no objection the motion passes.

332 REP. NORRIS: It gives them less moving room.

REP. MEEK: It says the department can't have any leeway.

REP. DOMINY: Removes his motion.

351 MOTION: REP. MEEK: Moves to rescind the amendment.

CHAIR SCHROEDER: Hearing no objection the motion passes.

CHAIR SCHROEDER: We're ready to move on REP. JOSI's motion.

CHAIR SCHROEDER: Hearing no objection HB 2244-17 as amended is adopted.

-We will discuss the moratorium; HB 2244-14 (EXHIBIT N, 5/13/91) and IVAN URNOVITZ's proposal, page 3 (EXHIBIT P, 5/13/91).

386 DON HULL: Describes HB 2244-14, Proposed Amendments to House Bill 2244, dated 5/13/91.

-The intent is to provide equitable treatment to applicants who have started baseline studies related to potential projects.

TAPE 107, SIDE A

012 HULL: There should be some changes.

-On page 1, line 9 before "permit" insert "and operating.

-On page 1, line 12, after "sections" insert "4 and".

-This makes sure anyone in the transitional permitting period is required to comply with all of the new standards in section 4 as well as the substantive standards in sections 13 to 24.

-It's our intent in the expedited rule making to charge the full cost of the rule making to people affected by the language of the -14 amendments.

038 CHAIR SCHROEDER: This won't penalize operators for the work they've already done?

HULL: It would allow them to submit applications as early as October 1, 199 1.

046 BARROWS: How do we deal with transition from the current rules to HB 224 4?

-Four companies have project coordinating teams in process. None of them have submitted a plan of operation to the BLM or other affected agencies. None is as far along as Atlas.

-Do we stop until the rules are written?

-The agencies will have to move quickly.

-What kind of credit is given to companies who are in the process and where in the process do they come in?

-He doesn't think anyone is suggesting that they have to start all over.

-1. Where do they come in to the process?

-2. How far back do they go?

-If we fix Atlas's problem, the companies behind will fall in place.

085 MARGARET KIRKPATRICK, Oregon Counsel, Atlas Precious Metals: The language in IVAN URNOVITZ's proposal is preferable.

-It doesn't have two problems HB 2244-14 has.

-1. Line 7, "Any applicant for one or more permits".

-At the time this act takes effect, if there is an emergency clause there probably won't be a company that has applied for a permit.

-You could correct this two ways:

-1. Any company that has had a project coordinating committee formed is covered by this.

-2. Any company that has commenced the EIS process under the National Environmental Policy Act would be covered by this.

REP. JOSI: Do you have this language?

KIRKPATRICK: You could say: "Any prospective applicant for whom a project coordinating committee has been formed under the auspices of the Department of Geology and Mineral Industries."

REP. DOMINY: Can we deal with that first?

CHAIR SCHROEDER: Let's hear the whole thing.

KIRKPATRICK: The second issue is more difficult.

-It has to do with what happens between the time an application is submitted and the time the agencies begin to prepare their draft permits.

-She describes the time frames under HB 2244-3.

-With HB 2244-14, there is no time limit on how long the process can go on if an agency requires more information from the applicant.

-MR. URNOVITZ's proposal takes care of these problems.

CHAIR SCHROEDER: Is the OMC language legally correct?

KIRKPATRICK: We think it needs some work.

150 REP. DOMINY: Do you have any suggestions on how to make HB 2244-14 cover your second concern?

KIRKPATRICK: It could probably be addressed if provisions in sections 15 and 16 would give agencies a third option of allowing the agencies to issue a notice to proceed, but still allow them to ask for more information.

-If HB 2244-14 made it clear that within a certain period of time they'd have to begin the review process, we'd be close, but we'd have to talk about that.

-The OMC proposal is preferred.

CHAIR SCHROEDER: Can you find wording to make HB 2244-14 more acceptable?

KIRKPATRICK: We need time to confer.

175 ROY EHLINGER, Regional Counsel, National Wildlife Federation: Would like LARRY TUTTLE to comment.

181 LARRY TUTTLE, Oregon Regional Director, The Wilderness Society: While we accepted most of HB 224 4-14, we did not come to agreement on page 1, lines 10 and 11, the October 1, 1991 date.

-We think it is in the best interest of the state agencies to have a full set of rules by the time applications are made.

-We suggest deleting lines 10 and 11.

-This would make for a cleaner process for all applicants if they begin with a full set of rules. It will ultimately be more efficient.

CHAIR SCHROEDER: You do not want to give them credit for work they've already done?

TUTTLE: That was not my intent.

-We are not saying that data is not acceptable.

-We think the date ought to be December 31, 1991 to coincide with the other directed rule making process.

232 REP. MEEK: There is one major applicant in the process. How many others have made inquiries and started material research?

HULL: There are four potential gold mining applicants. Only one has passed full feasibility analysis (Atlas).

-Atlas and one other company have started preparing draft Federal Environmental Impact Statements for projects in Lake County.

REP. MEEK: Have those names been released?

HULL: It's common knowledge. He gives the names of the companies and the locations of the potential projects.

264 REP. MEEK: The industry hasn't said they are not willing to meet the intent of the rules.

-Why can't we add language that says that the work that's being done is accepted as long as it meets the intent of the new rules by December?

304 GARY LYNCH, Supervisor, Mine Land Reclamation, Department of Geology and Mineral Industries: You've identified the gray area.

-Thinks that both sides accept previously collected data.

-The agencies felt that a procedural set of rules and a project coordinating committee be established to guide an applicant through the process until substantive rules are established.

-The difficulty is that the state would be accepting an application based on the intent of the statute, but not clarified with rules.

-One of the concerns is we lose something in that transition.

337 REP. NORRIS: DON, can you complete the rules before September 30, 1991?

HULL: Yes.

351 CHAIR SCHROEDER: If we adopt the agency or Oregon Mining Council proposal, those who've started their application won't be allowed to have a lesser standard than those who come later?

LYNCH: That's my understanding.

CHAIR SCHROEDER: We won't penalize them for starting early and won't grant them a favor for starting early?

LYNCH: No.

366 REP. MEEK: It's good that the rules won't violate the intent of the statute, but the mining industry wants the statutes to say the work they've already done will be accepted.

-The agency has to--by rule--account for the data and research that has been done.

CHAIR SCHROEDER: Is it the intent of this committee to allow the work that's been done in the past to be counted towards the application?

SEVERAL MEMBERS: Yes.

CHAIR SCHROEDER: Asks the industry and agencies to come up with acceptable language.

-He recesses at 8:58 A.M.

-He reconvenes at 9:17 A.M.

TAPE 106, SIDE B

006 JEANNETTE HOLMAN: We'll use MARGARET KIRKPATRICK's suggested language as a basis for the following proposed amendments.

-On page 1, line 7 after "any" insert "prospective applicant".

-In line 8 after "has" insert "had a federal public scoping meeting on or before the effective date of this act". This ties this to the Federal Environmental Impact Statement process.

-In line 10 we have conceptual language. "The applicant will submit a consolidated application that satisfies the rules of the department that may be based on a draft environmental impact statement and plan of operations submitted for the federal permit."

-We aren't changing October 1, 1991.

-"After they submit the application, the agencies will have 60 days to request additional information from the applicant. The applicant will submit that additional information."

-"After they receive the additional information, the agency will issue a notice to proceed within 30 days."

051 MOTION: REP. DOMINY: Moves the conceptual amendments.

REP. DOMINY: Would like to hear from MR. TUTTLE.

059 EHLINGER: The environmental community feels this is appropriate. Tying it to the federal process eliminates other problems we had.

CHAIR SCHROEDER: Is delighted with the compromise.

-Hearing no objection the motion passes.

074 MOTION: REP. DOMINY: Moves HB 2244-14, Proposed Amendments to House Bill 224 4 as conceptually amended.

REP. DWYER: Do we have to move them to have them drafted?

CHAIR SCHROEDER: Hearing no objection the motion passes.

-We'll discuss reclamation and backfilling; HB 2244-4 (EXHIBIT D, 5/13/91), HB 2244-6 (EXHIBIT F, 5/13/91), and HB 2244-7 (EXHIBIT G, 5/13/91).

102 HULL: Describes HB 2244-7, Proposed Amendments to House Bill 2244, dated 5/13/91.

CHAIR SCHROEDER: Is there anything in your proposal that talks about the kinds of species to reseed and replant?

HULL: No, but we should be encouraged to reseed and replant with native species where available and with desirable species when native species are unavailable.

122 BARROWS: We talk about that in lines 13 and 14 of HB 2244-6.

CHAIR SCHROEDER: If the topsoil was removed and then put back would there be enough native seed in it to come back again?

LYNCH: No; it's storage reduces the viability of the seed.

-We believe we have the authority to require reseeding with native vegetation.

-Some flexibility is needed. Harsh environments sometimes require something other than native species.

REP. DWYER: How much topsoil is out in the desert?

145 HULL: It is highly variable.

REP. DWYER: What about Grassy Mountain?

HULL: Almost none.

REP. DWYER: We're talking about storing something that doesn't exist.

HULL: If soil is available, our rules require it should be saved and be reused.

155 TUTTLE: We've had considerable discussions on backfilling.

-We don't believe backfilling should be discretionary.

-The best process is to return materials to the pit and return the land as near the original condition as they can, including replanting native vegetation.

-The major issues at closure are accumulated acids and heavy metals.

-Our goal is to make certain the state and citizens are not left with long-term expenses resulting from those issues.

-Returning the land to the pre-mine configuration is the best way to accomplish that.

-We recommend backfilling be a requisite.

183 BARROWS: There has been considerable discussion and there is a wide split.

-Backfilling should not be a requirement in any circumstance.

- 1. It is not economic.

-There are environmental aspects. It takes 8 to 10 years to reclaim. Burning fuels in trucks for eight more years is not necessarily

desirable.

-2. The acknowledged expert, PHIL HOCKER, at a conference in Salem, said it was not environmentally sound to always require backfilling.

-It's the height of folly to mandate it.

-It is sometimes desirable to maintain the pit.

-There are ways the pit can be mitigated.

-Mandating backfilling is economically devastating for most companies and not a good environmental policy.

219 REP. VANLEEUEWEN: There may be instances where the pit can store water.

231 REP. DOMINY: There are times we should backfill and times we should not.

MOTION: REP. DOMINY: Moves to adopt HB 2244-7, Proposed Amendments to House Bill 2244, dated 5/13/91.

REP. DOMINY: There are times we need water storage and times where it's impractical to replace the top of a mountain. There are also times that pits should be backfilled if there is a danger to the environment.

251 REP. VANLEEUEWEN: Would the industry be comfortable with these amendments?

BARROWS: We have problems with lines 9 to 12. This says "shall" backfill.

-We propose replacing lines 9 to 12 in HB 2244-7 with the sentence on lines 8 to 10 "Uneconomic rock....", from HB 2244-6.

270 REP. DWYER: Supports HB 2244-7.

-He would like to see rules when backfilling is appropriate. It should be done on a case-by-case basis.

-Is that determination made at the time the permit is applied for?

283 HULL: Yes. It's part of the reclamation plan and hearings process.

-On line 9 after "determined" insert "on a case-by-case basis".

290 MOTION: REP. DWYER: Moves in HB 2244-7, on line 9, after "determined" insert "on a case-by-case basis".

REP. MEEK: What if on line 9, after "(d)" insert "May include backfilling or partial backfilling on a case-by-case basis"?

311 HULL: That would not be desirable.

-The fundamental goal is to respect the land.

-This would tilt the balance way from where it should be.

REP. NORRIS: Doesn't HB 2244-7 open this to negotiations?

HULL: It leaves it open for a technical review team that can balance the interests in a technically correct way.

CHAIR SCHROEDER: Would that review team include the environmental community?

HULL: This is an interagency team.

331 REP. VANLEEUWEN: Prefers HB 2244-6.

REP. JOSI: What do you mean by reclamation objectives? Is it defined?

HULL: The intent is described in lines 4 and 5.

354 REP. DOMINY: What happens if the hole isn't required to be refilled, but after it is opened you discover something harmful to the environment.

HULL: Any substantial change would have to be brought back to the review team.

-Current law provides for review of reclamation plans.

REP. DOMINY: Wants to hear from MR. TUTTLE and MR. BARROWS.

389 TUTTLE: We disagree with HB 2244-7 as amended.

-Filling the pits is in the best interest of the land and state.

-Our proposal requires detoxification of the materials before they are returned to the pit.

BARROWS: We still have concerns with lines 9 to 12.

-Under this language, every agency has the ability to demand backfilling.

-There is no reference to economics, only to mitigation.

-No other state has a requirement for backfilling.

436 REP. DWYER: If you don't like it and they don't like it, it must be right.

REP. JOSI: It's too bad we couldn't have dealt with this issue immediately.

-It would be nice if we backfilled, but where's the balance?

-We need a compromise or the bill is dead.

-The industry would not have gone this far if they thought we would require backfilling.

CHAIR SCHROEDER: What if we don't pass the bill?

HULL: There are existing laws and rules that don't allow the degree of public participation or clarity that this bill does.

-Our environment will be better off with this bill.

CHAIR SCHROEDER: They can proceed with mining under existing law?

HULL: Yes.

-The clarity and public participation provided in the bill are important components.

TAPE 107, SIDE B

033 REP. MEEK: DON, do you have the discretion to override another agencies desire to require backfilling?

HULL: No.

REP. MEEK: We need one department accountable.

-Is backfilling a requirement under existing law?

HULL: No.

053 CHAIR SCHROEDER: Hearing no objection REP. DWYER's motion passes.

MOTION: REP. MEEK: Moves on line 10, delete "and the permitting and cooperating agencies".

REP. DOMINY: What's your intent?

REP. MEEK: The mechanisM is already set up where the agencies work together on the permitting and reclamation plans.

-One department has to be accountable. We are not taking away any aspect of participation.

REP. DWYER: Does not necessarily agree, but will support the motion.

REP. DOMINY: Would like to hear the opinion of the groups.

CHAIR SCHROEDER: DON, this will be discussed with the participating agencies and interested parties before a decision is made?

HULL: We would be reviewing other provisions with the other agencies.

CHAIR SCHROEDER: If we delete those words will it remove the possibility of one agency stopping the process?

HULL: This department would still be required to meet the other agencies' standards.

-It would put the accountability for that one decision in one area, subject to appeal.

TUTTLE: Agrees with DON's interpretation.

REP. DOMINY: Do you support the amendment?

TUTTLE: Is not opposed.

104 BARROWS: It makes the provision better, but we are still

uncomfortable.

-We will support it.

CHAIR SCHROEDER: Hearing no objection the motion passes.

113 MOTION: REP. DWYER: Moves to adopt HB 2244-7, Proposed Amendments to House Bill 2244, dated 5/13/91 as amended.

116 BARROWS: Would like language included that deals with economic feasibility.

CHAIR SCHROEDER: Do you have language?

BARROWS: We can find some.

REP. JOSI: "Achieve reclamation objectives that balance economic objectives"?

BARROWS: If the committee agrees that's a concept that makes sense we could work out the language with JEANNETTE and bring it back this evening.

131 HULL: We're at a point where we provide as good a balance as we can achieve.

-He does not want to see the economic dimension introduced in HB 2244-7.

REP. JOSI: Why?

HULL: That balance is already provided for.

REP. JOSI: Where?

HULL: In previous amendments.

142 BARROWS: On line 12 after "activities" insert "and when economically feasible".

REP. DWYER: Who makes that determination?

BARROWS: The department.

TUTTLE: This language is inappropriate. Economic practicability may have a lot to do with the price of gold and outside of the control of any other provisions in this bill.

162 HULL: This balance is in HB 2244-5, lines 3 to 5.

REP. DWYER: Calls for the question.

BARROWS: As long as we understand this is part of the intent and that language also applies to HB 2244-7, lines 9 to 12, we would live with it.

CHAIR SCHROEDER: DON, is it your intent that this applies to processing and extraction and reclamation?

HULL: Yes.

REP. MEEK: Where does HB 2244-5 go?

BETH PATRINO: It's part of section 4.

REP. MEEK: Instead of "economically feasible" add "other mitigating activities as accounted for in section 4(2)"?

REP. DOMINY: We've established intent.

196 REP. VANLEEuwEN: Is the industry comfortable?

204 CHAIR SCHROEDER: We've had a call for the question.

REP. VANLEEuwEN: Still prefers HB 2244-6.

REP. DWYER: Calls for a vote.

207 VOTE: The motion to adopt HB 2244-7 as amended passes 6 to 1.

NAY: REP. VANLEEuwEN.

CHAIR SCHROEDER: We will finalize this tonight.

-He closes the Work Session.

WORK SESSION -- HOUSE BILL 3214

Witnesses: Rep. John Meek, District 5 Joe Misek, Timber Tax Specialist, Department of Forestry

230 REP. JOHN MEEK, District: This issue should be looked at during the interim.

-There is a tremendous cost to administer the taxation of forestland.

265 JOE MISEK, Timber Tax Specialist, Department of Forestry: Agrees that this is a needed bill, but should possibly be included in the study required in HB 2550. He understands the Senate is calling for an interim committee to look at forest taxation. We could add a note that they address the farm-use valuation problem.

-We had discussions on ways to improve this bill, but did not come up with a workable solution.

-In Douglas County a landowner switched to forestland and ended up paying more taxes than he did under farmland.

-A county assessor group is working with the Farm Bureau looking at farm valuation and forest valuation.

285 REP. VANLEEuwEN: Wants the note to specifically refer to this issue and not the total picture.

REP. MEEK: We could bring a letter back to the committee?

CHAIR SCHROEDER: We need it tonight.

-We could adopt the concept.

REP. DOMINY: We don't have to take any action. We could just sign a

letter.

CHAIR SCHROEDER: Should we take action to approve the policy?

REP. DWYER: You could write the letter today and bring it back tonight.

CHAIR SCHROEDER: Closes the Work Session.

WORK SESSION -- HOUSE BILL 2763

CHAIR SCHROEDER: Opens the Work Session.

326 MOTION: REP. DOMINY: Moves to adopt HB 2763-1, Proposed Amendments to House Bill 2763, dated 4/29/91.

REP. DWYER: There are many exceptions in this.

-The government should not tell us what to wear. He won't support it.

352 REP. VANLEEuwEN: We're putting it up to the discretion of the commission to decide on what is required.

REP. DOMINY: Was going to offer an amendment after we act on this motion.

REP. VANLEEuwEN: Does not support the amendment.

MOTION: REP. DOMINY: Moves on line 6 of the printed bill, delete "exterior clothing or material" and insert "either a vest or a hat visible from front and back."

REP. NORRIS: Someone will make the distinction between a hat and cap. Headgear?

CHAIR SCHROEDER: Is "headgear" acceptable?

REP. DOMINY: Yes.

REP. JOSI: What about a headband?

REP. MEEK: That's still visible.

REP. JOSI: "Hat and/or cap".

REP. DOMINY: We had a list of states that had hat in their requirements. ("Hunter Orange Survey", EXHIBIT R, 5/9/91).

CHAIR SCHROEDER: Refers to Alabama's regulation.

REP. DWYER: Many states recommend wearing hunter orange. We're talking about compelling not recommending.

REP. JOSI: There are 39 states that require it and 10 states strongly recommend it.

CHAIR SCHROEDER: Oregon "strongly recommends".

REP. DOMINY: Change it to "cap and hat".

423 REP. VANLEEuwEN: Is a vest also a jacket?

CHAIR SCHROEDER: A vest or cap is the minimum.

428 REP. DOMINY: Amends his motion: On line 6 delete "exterior clothing or material" and insert "either a vest, cap or hat visible from the front and back of the individual".

REP. NORRIS: Objects.

-The more specific we get, the less flexibility we give the commission.

REP. VANLEEUEWEN: If we said "a minimum of either a vest, hat or cap visible from all sides", we would get at REP. NORRIS's objection.

CHAIR SCHROEDER: Refers to Oklahoma's regulations.

REP. JOSI: The commission will determine what to prescribe by rule.

CHAIR SCHROEDER: Suppose they prescribe coveralls?

481 REP. VANLEEUEWEN: Suggests a friendly amendment: "a head covering or outer garment above the waist visible from all sides".

REP. DOMINY: Let's vote on the original amendment.

REP. JOSI: Wants the vote.

042 REP. VANLEEUEWEN: With the understanding that a jacket is also a vest?

CHAIR SCHROEDER: We're talking about a minimum.

055 VOTE: The motion passes 5 to 2.

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

NAY: REP. NORRIS, REP. VANLEEUEWEN.

061 MOTION: REP. DOMINY: Moves to adopt HB 2763-1, Proposed Amendments to House Bill 2763, dated 4/29/91 as amended.

CHAIR SCHROEDER: Hearing no objection the motion passes.

079 MOTION: REP. MEEK: Moves on line 6 of the printed bill, after the period delete the rest of the line and delete lines 7 and 8.

CHAIR SCHROEDER: Hearing no objection the motion passes.

MOTION: REP. DOMINY: Moves House Bill 2763 as amended to the Floor of the

House with a do pass recommendation.

089 REP. NORRIS: Was going to vote for the bill, but we're getting so specific that it is illegal to wear a fluorescent orange jacket.

CHAIR SCHROEDER: What if we added "a minimum of"?

095 MOTION: REP. MEEK: Moves on line 6 of the printed bill, after "wear" insert "a minimum of".

REP. DOMINY: Has no objection.

-The intent would be that a jacket would be okay.

REP. VANLEEUEWEN: It should be "a minimum of at least a".

REP. MEEK: "at least a minimum of".

CHAIR SCHROEDER: Hearing no objection the motion passes.

117 MOTION: REP. DOMINY: Moves House Bill 2763 as amended to the Floor of the House with a do pass recommendation.

REP. VANLEEUEWEN: It should be visible from all sides.

REP. JOSI: Calls for the question.

VOTE: The motion carries 4 to 3.

AYE: REP. DOMINY, REP. JOSI, REP. VANLEEUEWEN, REP. SCHROEDER.

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

CARRIER: REP. SOWA.

CHAIR SCHROEDER: Adjourns at 10:24 A.M.

Submitted by: Reviewed by:

Edward C. Klein, Beth Patrino, Committee Assistant
Administrator

Committee

EXHIBIT LOG:

A - Amendments to HB 2244 - Staff - 2 pages

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

May 16, 1991
Tapes 109 - 110

Hearing Room 357 5:30 P.M.

State Capitol

MEMBERS PRESENT: REP. WALT SCHROEDER, Chair REP. LIZ VANLEEUWEN,
Vice-Chair REP. SAM DOMINY REP. TIM JOSI REP. CHUCK NORRIS

MEMBERS ABSENT: REP. BILL DWYER REP. JOHN MEEK

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

MEASURES CONSIDERED: HB 2244 - WORK SESSION HJM23 - WORK SESSION HB
2481 - WORK SESSION HB 2731 - WORK SESSION HB 2880 - WORK SESSION HB
2768 - WORK SESSION HB 3426 - WORK SESSION

These minutes contain material which paraphrases and/or summarizes 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 109, SIDE A

004 CHAIR SCHROEDER: Calls the meeting to order at 5:37 P.M.

WORK SESSION -- HOUSE BILL 2244 -- EXHIBIT A

Witness: Jeannette Holman, Legislative Counsel

CHAIR SCHROEDER: Opens the Work Session.

014 MOTION: REP. DOMINY: Moves HB 2244-16, Proposed Amendments to House Bill 224 4, dated 5/16/91 (EXHIBIT A).

CHAIR SCHROEDER: There were some conceptual amendments. JEANNETTE, could you describe them?

024 JEANNETTE HOLMAN: Describes the changes.

098 CHAIR SCHROEDER: Hearing no objection the motion passes.

104 MOTION: REP. DOMINY: Moves HB 2244 as amended to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 5 to 0.

EXCUSED: REP. DWYER, REP. MEEK.

CARRIER: REP. SCHROEDER.

WORK SESSION -- HOUSE JOINT MEMORIAL 23

Witness:Rep. Rod Johnson, District 45

CHAIR SCHROEDER: Opens the Work Session.

-Are we ready to go?

127 REP. ROD JOHNSON, District 45: There are no amendments.

130 MOTION: REP. DOMINY: Moves House Joint Memorial 23 to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 5 to 0.

EXCUSED: REP. DWYER, REP. MEEK.

CARRIER: REP. ROD JOHNSON.

141 REP. NORRIS: Has expressed his concerns about the standards for standing. We received a letter from some students from Connecticut trying to interfere with one of our forest sales.

-He wishes we could do something about that.

WORK SESSION -- HOUSE BILL 2481 -- EXHIBIT B

Witnesses:R. Dennis Hayward, Executive Vice President, North West Timber Association Marti Way, Business Manager, Forest Management Division, Department of Forestry

CHAIR SCHROEDER: Opens the Work Session.

165 R. DENNIS HAYWARD, Executive Vice President, North West Timber Association: Describes Proposed Amendments to House Bill 2481, dated 5/16/91 (EXHIBIT B).

-The penalties in the amendments are the same as those in the federal legislation.

-The regulations developed by the Department of Forestry are put into statute.

182 CHAIR SCHROEDER: Has this gone through Legislative Counsel?

HAYWARD: They've seen it.

191 REP. DOMINY: If Legislative Counsel finds a problem with the amendments we can refer it back to this committee.

MOTION: REP. DOMINY: Moves to adopt Proposed Amendments to House Bill 248 1, dated 5/16/91.

REP. NORRIS: Where are the amendments from?

202 MARTI WAY, Business Manager, Forest Management Division, Department

of Forestry: They're from the Department of Forestry.

-We worked together on these.

HAYWARD: Worked on the coalition that pushed for the passage of the federal legislation.

211 REP. JOSI: The substitution legislation?

HAYWARD: It prohibits the export of public timber and prohibits substitution.

CHAIR SCHROEDER: Does this deal with surplus species?

HAYWARD: Surplus species will be dealt with the way the Federal Government deals with it.

CHAIR SCHROEDER: Where is that?

WAY: The definitions section is the same as the federal act.

HAYWARD: That's in section 7.

227 REP. DOMINY: REP. MEEK was concerned about the \$500,000.

HAYWARD: He was concerned whether that was an appropriate fine level.

-The wording in this is the same as the federal penalties.

REP. DOMINY: He was concerned that this shouldn't be on a frivolous charge.

HAYWARD: We address that on pages 5 and 6, section 9.

272 REP. NORRIS: Refers to the definition of "private lands," page 2.

-Do you think there is a sovereignty issue relating to the Indian tribes?

HAYWARD: This language is from the federal law.

REP. NORRIS: They can export?

HAYWARD: They can do anything they want.

REP. NORRIS: That's not what this says.

HAYWARD: It does not include tribal lands.

CHAIR SCHROEDER: It does not include federal lands.

REP. NORRIS: Tribal lands are not public lands?

HAYWARD: No.

REP. NORRIS: They're neither private nor public lands?

HAYWARD: Correct.

303 REP. JOSI: The tribes don't have to follow any constraints on

endangered species?

HAYWARD: None of the critical habitat for the owl is on tribal land or in wilderness areas.

REP. NORRIS: Is this amendment in place of the HB 2481-2 amendments?

HAYWARD: Yes.

WAY: Portions of the -2 amendments are in this.

333 CHAIR SCHROEDER: Hearing no objection the amendment is adopted.

336 REP. JOSI: This prohibits the export of logs from state owned lands?

HAYWARD: State and cities.

-And prohibits substitution.

350 REP. NORRIS: Are you comfortable with the definition of "unprocessed timber"?

HAYWARD: That's the definition established by Congress. The industry is comfortable with it.

REP. NORRIS: You could sell log cabin kits?

HAYWARD: They are exportable.

REP. NORRIS: They could go to the saw mill when they got to Japan?

HAYWARD: If you are selling log cabin kits in order to circumvent the law you would be in violation.

CHAIR SCHROEDER: Does it eliminate slabs?

HAYWARD: The definition is very specific.

-He elaborates.

377 MOTION: REP. JOSI: Moves House Bill 2481 as amended to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 5 to 0.

EXCUSED: REP. DWYER, REP. MEEK.

CARRIER: REP. DWYER.

WORK SESSION -- HOUSE BILL 2785 -- EXHIBIT C

Witnesses: Rod Ingram, Chief, Wildlife Division, Oregon Department of Fish and Wildlife
Jeff Curtis, Oregon Department of Fish and Wildlife

414 BETH PATRINO: Updates the bill.

-She describes HB 2785-1, Proposed Amendments to House Bill 2785 (EXHIBIT D, 4/25/91) and HB 2785-2, Proposed Amendments to House Bill 2785 (EXHIBIT E, 4/25/91).

431 ROD INGRAM, Chief, Wildlife Division, Oregon Department of Fish and Wildlife: In regards to HB 278 5-1; the Fish and Wildlife Commission will be holding hearings in June on some type of preference system.

-We've sent out 3,000 questionnaires to hunters asking them what kind of system they would prefer.

-This amendment allows no flexibility and requires a preference system only.

-He describes why they will be looking at a program for deer and antelope and not elk at this time.

-We are in the process of trying to reprogram our computer for our controlled hunt process. The earliest it could be done would be 1992.

TAPE 110, SIDE A

032 JEFF CURTIS, Oregon Department of Fish and Wildlife: He's talking about reformulating the computer program.

INGRAM: The entire hunting program is computerized.

037 REP. JOSI: It appears both amendments could impede the process the department is going through.

044 REP. VANLEEUEWEN: Prefers the original bill.

REP. DOMINY: Doesn't the original bill only give preference to local residents?

INGRAM: Correct.

-Our system cannot handle the bill as written. It would call for a major reprogramming.

CHAIR SCHROEDER: Can you do it by zip code?

INGRAM: Explains why it would be difficult to do it by zip code.

062 REP. VANLEEUEWEN: Those of us who own land in eastern Oregon feed a lot of wildlife. It's frustrating not being able to get a tag to hunt that wildlife.

-She strongly supports the original bill. The system could be made to work.

INGRAM: We have a landowner preference program. This bill is aimed at giving hunters in eastern Oregon a better chance for a tag.

REP. VANLEEUEWEN: What's the landowner preference?

INGRAM: Describes landowner preference.

REP. VANLEEUEWEN: The only place you could hunt would be on your own property?

INGRAM: Correct.

REP. VANLEEuwEN: The animals don't stay on that land. They feed and then go into the hills. That really doesn't give the landowner preference.

096 CURTIS: If we institute this system the only people that would hunt in the Steens, Trout Creek or other areas would be people from that area.

102 REP. NORRIS: Is landowner preference based on acreage?

INGRAM: Yes. He explains.

114 REP. NORRIS: Is the restriction of no more than two tags up to 5,000 acres in the statute or by rule?

INGRAM: That's a rule. The statute restricts it to the landowner.

REP. NORRIS: Do you know the ORS?

INGRAM: Can get it to him. It's in the discretionary duties of the commission.

REP. NORRIS: Is getting tired of hearing about this subject.

125 REP. DOMINY: Line 8 of the bill talks about the "landowner resides." How do you interpret that for someone who owns property, but does not reside on that property?

INGRAM: We'd have to rely on the landowner to tell us where they reside and the counties they are adjacent to.

REP. DOMINY: Does "reside" mean where the person lives?

CURTIS: Our attorneys would spend considerable time discussing that. There are definitions of "residency" in the law that they would turn to.

REP. DOMINY: You mentioned you'd have to reprogram your computers to implement the bill. What does that mean and what would it cost?

INGRAM: Guesses it would cost between \$100,000 and \$200,000.

CURTIS: This would require a major amount of time for data entry.

163 REP. VANLEEuwEN: Is frustrated that a Governor's appointed commission is more important than the legislature.

CURTIS: We are only suggesting the proposed legislation would pose significant problems for us.

REP. VANLEEuwEN: Expresses her frustration with their bureaucracy.

182 REP. DOMINY: Is not prepared to make a motion.

CHAIR SCHROEDER: Will you be following through with what you talked about?

INGRAM: Yes.

-Although it's still very early, we've received about 170 questionnaires out of 3,000. The number one choice is not to change the system. The

number two choice is to put in a bonus type system.

-We are asking the commission not to adopt anything until we know how much it will cost and how we will reprogram the system and what the time line is.

-He plans having the Executive Department reprogram the system before we start adding programs.

-We have 190,000 applications for the drawing we are having.

CHAIR SCHROEDER: What's the success rate?

INGRAM: That depends on the unit. He explains.

CHAIR SCHROEDER: If you were unsuccessful this year, would that mean your chance to draw a tag would double the next year and increase proportionally until you were successful?

INGRAM: Yes.

236 REP. VANLEEUEWEN: There's no reason this couldn't become effective 16 months or three years down the line?

REP. NORRIS: What if we went back to the original bill?

-He assumes that nothing would keep the commission from deciding to issue more tags or less tags?

INGRAM: Correct.

REP. NORRIS: Landowners are feeding the wildlife and the wildlife causes damage to their property. The landowners have had it. He hopes the commission deals with this during the interim.

CHAIR SCHROEDER: This bill doesn't solve that.

REP. VANLEEUEWEN: We could amend the original bill.

-No date is written into the bill unless it's in the ORS.

273 REP. NORRIS: We could add a section 3, "Recognizing the benefits to wildlife provided by private landowners the Legislative Assembly directs the commission to review a program for landowner special preference permits for hunting on their own lands and report to the Sixty-Seventh Legislative Assembly.

REP. DOMINY and REP. JOSI: Support the language.

279 REP. VANLEEUEWEN: Why limit it to hunting on their own lands?

REP. NORRIS: It's a start. He doesn't think they could succeed in giving them special preference to hunt off of their own land.

CHAIR SCHROEDER: Would this be a gut and stuff?

REP. NORRIS: Just add this to the original bill.

REP. DOMINY: If we leave section 2 they still have to adopt something for applicants that reside in the county. If that stays in he doesn't

think you'll get your intent.

REP. NORRIS: This is separate. It only says the commission will take a look at the issue.

REP. DOMINY: Has a problem with section 2.

CHAIR SCHROEDER: You don't want to replace section 2 with your language?

REP. NORRIS: No. That would gut REP. BAUM's intent.

-He'd support either amendment.

343 REP. JOSI: You won't end up with anything if we leave section 2 in the bill.

351 REP. DOMINY: Supports the amendment, but not section 2.

REP. NORRIS: What's the objection to section 2?

REP. DOMINY: This demands they set up a different program for hunting, which will require a massive change in their hunting system.

-He would support section 2 if it said they would report back on special hunting permits.

REP. JOSI: Concurs.

CHAIR SCHROEDER: Do you have wording?

377 REP. DOMINY: "The commission shall report back to the next Legislative Assembly recommendations for a system...."

REP. NORRIS: Are you responding to the testimony about a massive reprogramming of the computer?

REP. DOMINY: That's part of it.

-We need time to look at the overall picture. He doesn't believe another session will make any difference.

397 CHAIR SCHROEDER: Since they are reviewing the program, adopting section 2 would throw a monkey wrench into their plans.

REP. DOMINY: That's why we could accomplish the same thing by having them report back. If we don't like their recommendations we can throw them out.

REP. NORRIS: That's fine.

414 MOTION: REP. DOMINY: Moves in line 5, HB 2785, after "shall" insert "report back to the Sixty-Seventh Legislative Assembly with recommendations for".

CHAIR SCHROEDER: Can we add, "a report of accomplishments and/or recommendations"?

REP. DOMINY: They'll tell us the accomplishments.

TAPE 109, SIDE B

004 BETH PATRINO: It might make sense to end the sentence on line 6, after "quota". Otherwise you specify them doing what the bill does.

REP. VANLEEUEWEN: We want to address the people that live there.

010 REP. DOMINY: We could put the period after "quota" delete the rest of the line and delete line 7, but we need the part about the "county in which the applicant resides".

REP. VANLEEUEWEN: "Including addressing...."

020 REP. DOMINY: "Including addressing hunting units...."

REP. VANLEEUEWEN: "Including addressing the issue of applicants being able to hunt within the county they reside or the county immediately adjacent."

BETH PATRINO: "The commission shall report back to the Sixty-Seventh Legislative Assembly with recommendations for a system for issuing special hunting permits for deer and elk in units where permits are limited by quota, including addressing the issue of applicants being able to hunt within the county in which the applicant resides or the county immediately adjacent thereto."

MOTION: REP. DOMINY: Moves in line 5, House Bill 2785, after "shall" insert "report back to the Sixty-Seventh Legislative Assembly with recommendations for". In line 6 after "quota" insert a comma and delete the rest of the line. Delete lines 7 through 9 and insert "including addressing the issue of applicants being able to hunt within the county in which the applicant resides or the county immediately adjacent thereto."

CHAIR SCHROEDER: Hearing no objection the motion passes.

035 MOTION: REP. NORRIS: Moves in line 10 of House Bill 2785, insert "Section 3. Recognizing the benefits to wildlife provided by private landowners the Legislative Assembly directs the Fish and Wildlife Commission to review the program for landowner special preference permits for hunting on their own lands and report to the Sixty-Seventh Legislative Assembly."

REP. DOMINY: For uniformity it should say, "and make recommendations to the Sixty-Seventh Legislative Assembly."

REP. VANLEEUEWEN: We could make section 3 a part of section 2.

BETH PATRINO: If it is agreeable, she will take the language to Legislative Counsel.

REP. NORRIS: It's two issues. He hopes they will be in separate sections.

REP. DOMINY: Has no objection.

INGRAM: Has no problem with the amendment.

CHAIR SCHROEDER: Hearing no objection the motion passes.

053 MOTION: REP. DOMINY: Moves House Bill 2785 as amended to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 5 to 0.

EXCUSED: REP. DWYER, REP. MEEK.

CARRIER: REP. BAUM.

CHAIR SCHROEDER: REP. NORRIS, work with REP. BAUM on that.

WORK SESSION -- HOUSE BILL 2731 -- EXHIBIT C

Witnesses: Jeff Curtis, Oregon Department of Fish and Wildlife.

CHAIR SCHROEDER: Opens the Work Session.

MOTION: REP. VANLEEuwEN: Moves House Bill 2731 to the Floor of the House with a do pass recommendation.

078 JEFF CURTIS, Oregon Department of Fish and Wildlife: We think a recovery plan should be completed as soon as possible.

-The 70 acre limitations around the nests of spotted owls imposed by the department are less than the federal requirements.

-He describes the federal guidelines.

-We have a small non-game program. People contribute to that program from the tax checkoff and we have a small budget.

-This bill would take most of our budget.

105 REP. VANLEEuwEN: It would be a one-time inventory.

CURTIS: It would take all the money from our ongoing program.

REP. VANLEEuwEN: There might not be anything left for a certain group of people.

-The Fish and Wildlife Commission owes us one.

-In 1990 the BLM did an inventory on part of their lands in Oregon. They have identified over 1,000 pairs of owls.

CHAIR SCHROEDER: We trashed the Fish and Wildlife budget, which included four owl counters.

CURTIS: The Governor's budget included four people to work on the recovery plan.

REP. VANLEEuwEN: This has to go to Ways and Means.

CHAIR SCHROEDER: It doesn't have a subsequent referral, but we'll have to give it one.

-An agency or organization can give a bill a referral if it has a large impact. This has a fiscal impact of \$309,000.

140 CURTIS: Doesn't have that information with him. That's the same

amount of money we proposed for an inventory on private land in southern Oregon. We aren't inflating this cost.

148 MOTION: REP. NORRIS: Moves House Bill 2731 to the Committee on Ways and Means with a do pass recommendation.

VOTE: The motion carries 5 to 0.

EXCUSED: REP. DWYER, REP. MEEK.

Testimony in opposition to HB 2731 submitted by MARC LIVERMAN, Conservation Director, Portland Audubon Society is filed as EXHIBIT C.

WORK SESSION -- HOUSE BILL 2880 -- EXHIBITS D & E

Witnesses: Eric Weaver, Student at Oregon State University and Intern to Rep. Bill Dwyer Dave Nelson, Administrator, Tall Fescue Commission

CHAIR SCHROEDER: Opens the Work Session.

-We have two amendments; HB 2880-1, Proposed Amendments to House Bill 2880, dated 5/16/91 (EXHIBIT D) and HB 2880-2, Proposed Amendments to House Bill 2880, dated 5/16/91 (EXHIBIT E).

188 ERIC WEAVER, Student at Oregon State University and Intern to Rep. Bill Dwyer: Proposed HB 2880-1 amendments.

-He likes HB 2880-2.

-He suggests that lines 4 through 10, HB 2880-1 be added to line 12, HB 288 0-2.

CHAIR SCHROEDER: Is that compatible?

208 DAVE NELSON, Administrator, Tall Fescue Commission: It was our intent that that would be a part of the overall study requirement.

-There may be a need to label turf grasses for fungus content.

223 REP. DOMINY: Do you have a problem adding lines 4 to 10 of HB 2880-1 to line 12 of HB 2880-2?

NELSON: We would resist that amendment.

-HB 2880-2 provides a broader look and tries to get a handle on what we need to do to address endophyte infected seeds.

237 REP. VANLEEUEWEN: Lawns won't grow well without endophytes.

REP. JOSI: We aren't talking about lawns.

REP. VANLEEUEWEN: Understands the issue.

254 MOTION: REP. DOMINY: Moves to adopt HB 2880-2, Proposed Amendments to House Bill 2880, dated 5/16/91.

CHAIR SCHROEDER: Hearing no objection the motion passes.

257 MOTION: REP. DOMINY: Moves House Bill 2880 as amended to the Floor of the House with a do pass recommendation.

WEAVER: New Zealand seed is now being sold in Oregon. All their grass seed is endophyte free.

-This is a warning to the grass seed producers.

290 NELSON: There are many factors in grass seed production.

-New Zealand is not new in grass seed production.

-A number of grass seed companies are scouting areas around the world to look for suitable production sites if the industry becomes impaired by political action on field burning.

-This bill is a good compromise that will provide direction to the Department of Agriculture to coordinate the various elements that need to be focused on this issue.

REP. NORRIS: Calls for the question.

321 VOTE: The motion carries 5 to 0.

EXCUSED: REP. DWYER, REP. MEEK.

CARRIER: REP. DWYER

WORK SESSION -- HOUSE BILL 2768 -- EXHIBIT F

Witnesses:Rep. Sam Dominy, District 44

CHAIR SCHROEDER: Opens the Work Session.

355 REP. SAM DOMINY, District 44: Discusses HB 2768-3, Proposed Amendments to House Bill 2768, dated 5/15/91 (EXHIBIT F).

-He recommends that the bill is sent to the Committee on Revenue and School Finance without recommendation.

-He promised the industry he would send it without recommendation.

393 REP. VANLEEUEWEN: It's her understanding the companion bill (HB 2746) is in the Labor Committee.

REP. DOMINY: Assumes it will not pass, so it is more important that this bill passes.

CHAIR SCHROEDER: You removed the parts the Attorney General's Office deemed unconstitutional?

REP. DOMINY: Yes. This creates a severance tax to fund this program.

REP. JOSI: This has nothing to do with log exports?

REP. DOMINY: No.

REP. JOSI: What does this do?

REP. DOMINY: If the Revenue Committee puts in the dollar amount on page 1, this would fund programs for dislocated workers, including a health insurance governing pool fund.

437 MOTION: REP. JOSI: Moves to adopt HB 2768-3, Proposed Amendments to House Bill 2768, dated 5/15/91.

CHAIR SCHROEDER: Hearing no objection the motion passes.

441 MOTION: REP. JOSI: Moves House Bill 2768 as amended to the Committee on Revenue with no recommendation.

REP. DOMINY: His commitment to the timber industry was to send it without recommendation.

VOTE: The motion carries 5 to 0.

EXCUSED: REP. DWYER, REP. MEEK.

TAPE 110, SIDE B

WORK SESSION -- HOUSE BILL 3426 -- EXHIBIT G

Witnesses:Lorna Youngs, Assistant Director, Department of Agriculture

CHAIR SCHROEDER: Opens the Work Session.

037 BETH PATRINO: Updates the bill.

047 LORNA YOUNGS, Assistant Director, Department of Agriculture: We requested the amendment (HB 3426-1, Proposed Amendments to House Bill 3426, dated 5/13/91 (EXHIBIT G)) to bring it into conformity with our labeling requirements for horticultural packaging.

052 REP. DOMINY: Is removing the old labels addressed in this amendment?

YOUNGS: We're comfortable as long as the new label is placed over the old information.

REP. DOMINY: What happens if it's been labeled several times?

YOUNGS: We need to make sure the contents on the label is in the package.

-The amendments make sure the relabeling bears the required information.

REP. DOMINY: What if there are several labels on a package? Is there anything that requires the old labels to be removed or covered?

YOUNGS: The original law takes care of that.

089 REP. NORRIS: He could see a problem if the labeling was sloppy. Unless someone was ashamed of the product, he can't see a problem.

REP. DOMINY: Is afraid someone will cut corners throughout the process.

100 CHAIR SCHROEDER: A three by five label will not cover the information on the end of a fruit lug.

YOUNGS: The department is trying to work within the spirit of the bill. The original law allowed the reuse of the container if the old label was removed or defaced.

REP. JOSI: This wording removes that requirement.

YOUNGS: Correct.

-Most commercial users won't be using this. We're trying to work with the small farmer.

REP. NORRIS: What if we added, "markings pertaining to previous contents will be completely obliterated"?

REP. DOMINY: Look at the original language.

REP. VANLEEUEWEN: Some of the labels are very hard to completely cover.

REP. NORRIS: What if we restore the bracketed language?

YOUNGS: Doesn't know what that would do to the original intent of the bill.

-Evidently the law isn't working for some people.

CHAIR SCHROEDER: Suggests that on lines 1 and 2, HB 3426-1 we delete "approximately" and insert "at least".

158 REP. DOMINY: Suggests we close the Work Session.

REP. JOSI: The intent of this legislation is unclear.

REP. DOMINY: It looks like they have the ability to cover up the label and recycle containers with the original law.

CHAIR SCHROEDER: Is that acceptable?

YOUNGS: Yes.

CHAIR SCHROEDER: Closes the Work Session.

LETTER TO COMMITTEE ON REVENUE AND SCHOOL FINANCE -- EXHIBIT H

177 BETH PATRINO: You discussed this letter this morning. If the language is agreeable, we can put it on letterhead and have you sign it.

183 MOTION: REP. DOMINY: Moves that the letter to the Senate and House Revenue and School Finance Committees, dated May 16, 1991 be adopted by this committee.

CHAIR SCHROEDER: Hearing no objection the motion passes.

192 REP. NORRIS: Thanks the Committee Administrator.

REP. DOMINY: Thanks the Chair.

CHAIR SCHROEDER: Adjourns at 6:55 P.M.

Submitted by: Reviewed by:

Edward C. Klein, Beth Patrino, Committee Assistant
Administrator

Committee

EXHIBIT LOG:

A - Amendments to HB 2244 - Staff - 36 pages B - Amendments
to HB 2481 - Dennis Hayward - 8 pages C - Testimony on HB 2731 -
Marc Liverman - 1 page D-Amendments to HB 2880 - Eric Weaver - 1 page
E-Amendments to HB 2880 - Dave Nelson - 1 page F-Amendments to HB 2768 -
Rep. Dominy - 3 pages G-Amendments to HB 3426 - Lorna Youngs - 1# page
H-Letter to Revenue and School Finance Committee - Joe Misek/Rep. Meek -
1 page