

Senate Committee on Agriculture and Natural Resources February 11, 1991
- Page

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.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 11, 1991Hearing Room C 8:30 a.m. Tapes 38 - 40

MEMBERS PRESENT:Sen. Dick Springer Sen. John Brenneman Sen. Shirley Gold Sen. Tricia Smith Sen. Eugene Timms

MEMBER EXCUSED: Sen. Cohen Sen. Kintigh

VISITING MEMBER:Sen. Joan Dukes Rep. Dave McTeague Rep. Larry Sowa

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

MEASURES CONSIDERED: SB 235 SB 246 SB 185 SB 246 SB 234 SB 231

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TAPE 38 SIDE A

CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:30 AM

PUBLIC HEARING AND WORK SESSION ON SENATE BILL 235

WITNESSES: SEN. JOAN DUKES SEN. EUGENE TIMMS SEN. JOHN BRENNEMAN
REP. LARRY SOWA

018 SEN. JOAN DUKES, State Senator District 1, gives testimony on SB 235 and introduces EXHIBIT A Speaks about Department of Fish and Wildlife's negotiations and meeting in Astoria with the North coast fisherman and the Fish and Wildlife representatives.

044 CHAIR SPRINGER: Questions about commercial fishing practices.

049 SEN DUKES: Most fisherman fishing in Washington and Oregon is cross species. Some fisherman will fish exclusively for Salmon. There are reciprocal agreements allowing cross fishing.

056 CHAIR SPRINGER: Do fees have an impact on where fish are taken to market?

057 DUKES: Yes, if you get too far afield. That was one of the concerns of some commercial fisherman under this bill. Speaks on SB 235

086 SEN TIMMS: At this point do you not want us to do anything further on the bill?

089 SEN DUKES: I am not sure what we want at this point, but am not in agreement with the bill as it is. There are negotiations currently under that may turn out an increase that is fair. The problem is taxing those who get nothing out of it. I have equity problems with this bill as it exists.

111 SEN TIMMS: This was in place for a year is that correct?

115 SEN DUKES: Not this one. There are no new outside programs, this is outside money.

130 SEN SMITH: It looks like the only thing being changed in the existing law is the expiration date. Are fees being added?

132 SEN DUKES: Yes. I am not familiar with the bill as I am with Fish and Wildlife's.

PUBLIC HEARING ON SB 246

138 SEN JOHN BRENNEMAN, SENATE DISTRICT 2, gives testimony on SB 235, and SB 246 . This bill comes to you with no controversy on the coast that I am aware of.

212 REP LARRY SOWA, State Representative for 26th District, Clackamas County, gives testimony in favor of SB 246

243 CHAIR SPRINGER: Speaks on work done on SB 246 last session.

266 SEN DUKES: Speaks to the restoration and enhancement program, and hopes for this bill. understanding from Fish and wildlife is that it may not exist in the future due to their overall financial problems. I would like to think this committee could have some real input into ways and means. I will do whatever I can to see that Ways and Means has influence to this bill. I would rather speak to committee who knows the issues

PUBLIC HEARING ON SB 185

WITNESSES: GENOA INGRAM FRED VAN NATTA FRED NEAL JOCK McINTOSH
DOUG MORRISON SARA ARMATAGE

326 CHRIS BECK, Committee Staff, gives overview of amendments to SB 185 see EXHIBIT B

359 GENOA INGRAM, Association of Oregon Realtors, gives testimony on SB 185 and submits EXHIBIT C

TAPE 39 SIDE A

026 CHAIR SPRINGER: Have you spoken with DEQ lately?

028 INGRAM: Only briefly in the hall this morning. We have not had a chance to review their amendments yet.

058 FRED VAN NATTA, Family Housing Council of Oregon and the Homebuilders Association, gives testimony on SB 185

100 SEN SMITH: Would your associations be willing to pay increased fee to the Fire Departments to pay for this inspection?

103 VAN NATTA: This matter can be put on the table and discussed, however, this approach will create an endless amount of grief. This system won't work and we suggest the bill is tabled.

147 CHAIR SPRINGER: What does the current state building code say about aSB estos?

149 VAN NATTA: I am unable able to answer that question.

163 INGRAM: Gives testimony on SB 185 regarding the 1991 EPA study relating to aSB estos.

189 FRED NEAL, Intergovernmental Relations Officer Multnomah County, Oregon, gives written testimony on SB 185 and presents EXHIBIT D

231 JOCK MACINTOSH, Multnomah County, gives testimony on SB 185, and the county's aSB estos abatement program.

280 CHAIR SPRINGER: Do you primarily use contractors or in house people in your aSB estos abatement work?

283 MACINTOSH: Both. We use in house and outside contractors.

348 DOUG MORRISSON, Northwest Pulp and Paper, gives testimony on SB 185. Refers to faxed amendments from the DEQ. EXHIBIT E

TAPE 38 SIDE B

007 SEN BRENNEMAN: Questions regarding need assessment in aSB estos removal.

010 JOHN LOWE, There is either inadequate inspection or no inspection at all. We hear about these problems when we are called to take enforcement actions after aSB estos has been released into the environment.

016 SARA ARMATAGE, Manager, DEQ ASB estos Control Program, gives testimony on SB 185 and DEQ's aSB estos control program.

027 SEN BRENNEMAN: How many inspection problems did you come in contact with last year?

030 ARMATAGE: Last year we assessed 10 civil penalties. Total dollar was \$ 39,000.00. In 1989 we assessed 14 civil penalties at \$ 139,000.00. Both years 50 per cent were due to failure to inspect adequately.

039 SEN SMITH: What is the liability of a property owner, both through DEQ and through OSHA, if the inspection is improper?

049 ARMATAGE: A lawyer is needed to address the civil penalties. Gives overview of liabilities of homeowners. Gives overview of OSHA's requirements for contractors and workers in the work place.

089 ARMATAGE: continues testimony, speaks on the goal of SB 185, and costs assessment.

147 SEN TIMMS: - series of questions and answers on aSB estos issues.

191 LOWE: We will refine definitions to clarify what would and would not be covered in this bill.

224 ARMATAGE: Gives overview of SB 185 AMENDMENTS, and comments on Multnomah County's amendments. EXHIBIT F

361 DAVID SPARKS, Deputy Administrator for Oregon OSHA, gives testimony on when inspectors would typically do an aSB estos inspection.

394 SEN SMITH: In your opinion if SB 184 is passed with your amendments can a building owner call on OROSHA for consultation and present that to DEQ as their report?

399 SPARKS: Yes. At the request of an employer, we go on site, get samples, which are sent to our laboratory in Portland. Services are provided without cost, and are prioritized and at this time are backlogged.

TAPE 39 SIDE B

015 SEN TIMMS: How many offices and employees do you have in the state of Oregon?

020 SPARKS: 245 total staff in Oregon. About 30 are consultants. We have 5 field offices.

067 SEN TIMMS: I am concerned that we have not heard from private sector businesses.

077 CHAIR SPRINGER: Staff will notify NFIB to ensure they are aware of this legislation and invite them to sit in with DEQ.

085 JIM WHITTY, Associated Oregon Industries, the amended language is our main concern, and buildings whose inspections are up to date in accordance with the act mentioned would be exempted, I am concerned with rural access to inspections.

100 CHAIR SPRINGER: We will not move SB 185 until we have done all we can to get it in shape.

WORK SESSION ON SB 235 AND AMENDMENTS

118 JANET NEUMAN, Acting Director, Division of State Lands, gives testimony on SB 235 - 1 PROPOSED AMENDMENTS, stating that they meet purpose raised during previous testimony.

MOTION:SEN GOLD MOVES THE - 1 AMENDMENTS BE ADOPTED

VOTE:HEARING NO OBJECTIONS THE MOTION IS ADOPTED

MOTION: SEN GOLD MOVES SB 235 WITH - 1 AMENDMENTS TO THE FLOOR WITH DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES UNANIMOUSLY

TO BE CARRIED BY SEN BRENNEMAN

WORK SESSION ON SB 234 AND AMENDMENTS

MOTION: SEN GOLD MOVES - 1 AMENDMENT BE ADOPTED

VOTE: HEARING NO OBJECTIONS THE MOTION IS ADOPTED

MOTION: SEN GOLD MOVES SB 234 AS AMENDED TO THE FLOOR WITH DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES UNANIMOUSLY

TO BE CARRIED BY SEN GOLD

WORK SESSION ON SB 231

MOTION: SEN TIMMS MOVES SB 231 TO THE FLOOR WITH DO PASS RECOMMENDATION

VOTE: HEARING NO OBJECTIONS THE MOTION IS ADOPTED

MOTION: SEN TIMMS MOVES SB 231 TO THE FLOOR WITH DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE THE MOTION PASSES UNANIMOUSLY

SEN TIMMS TO LEAD THE FLOOR DISCUSSION

PUBLIC HEARING ON SB 246

WITNESSES: REP. DAVE McTEAGUE JEFF CURTIS KAY BROWN DALE PEARSON
JIM McPEAGUE BRUCE HANSON

216 JEFF CURTIS, Department of Fish and Wildlife, gives testimony on SB 246 and submits EXHIBIT F. And speaks about poundage fees and other proposals for Salmon fees.

298 CHAIR SPRINGER: Are you sponsoring or have you heard anything about a Salmon Tag?

254 CURTIS: We have heard rumors of many different tags and fees. They are not our proposals however.

260 KAY BROWN, Special Assistant, Chief of Fisheries, gives testimony on SB 258 and presents EXHIBIT G, saying the bill will provide additional poundage fees, and a threefold poundage increase on all various species of food fish. We are involved with fisherman on making that proposal an ad valorem tax as opposed to a poundage fee.

278 SEN BRENNEMAN: Is the Department opposing or not opposing that concept?

280 BROWN: I am fairly certain that we are not opposing that concept.

319 CURTIS: continues testimony on fish management practices and overview of EXHIBITS G,H.

383 CHAIR SPRINGER: We thought the program was to put fish in the river not to facilitate access to get them out. Is that what people want?

393 CURTIS: That is a high priority with the members of the fish board.

TAPE 40 SIDE A

012 CURTIS: continues testimony on SB 246 EXHIBIT H, recommends passage to the floor.

065 REP DAVE McTEAGUE, State Representative for Clackamas Count, speaks in favor of SB 246 . I urge the committee to send a letter along with your recommendation to Ways and Means, asking that \$2 million in lottery funds be reallocated.

087 DALE PEARSON, R and E Board, speaks to the issues in SB 246 and would like to work together to enhance the fish industry. Stresses the importance of lottery money to make up the shortfall in funds. EXHIBIT I

136 JIM McPEAGUE, Salmon First Step, speaks of the value of funding and completeing projects.

146 CHAIR SPRINGER: Where are some of the projects you have been working on?

148 McPAEGUE: Whiskey Creek, Elk Creek, Miami River, with some volunteer projects also.

166 CHAIR SPRINGER: How is the habitat on the Miami River?

156 McPEAGUE: It has really been good for Salmon fishing and has improved greatly since 1982.

189 BRUCE HANSON, gill net fisherman, presents testimony on SB 246. Would like to see the program extended. We have come to know what is going on in the two different groups of people. The poundage fee does not come out of the pocket of the fisherman, it is paid by the consumer.

370 CHAIR BRENNEMAN ADJOURNS THE MEETING AT 10:50

EXHIBIT LOG:

A - Amendments to SB 235 -1 - staff - 2 pages B - Amendments to SB 185 -1 - staff - 2 pages C- Testimony on SB 185 - Genoa Ingram - 2 pages D - Proposd Amendments to SB 185 - Fred Neal - 1 page E -Proposd Amendments to SB 185 - Doug Morrison - 1 page F - Testimony on SB 185 - Sara Armatage - 2 pages G - Testiony on SB 246 - Jeff Curtis - 31 pages H -Testiony on SB 246 - Jeff Curtis - 4 pages I - Testiony on SB 246 - Jeff Curtis - 2 pages

Submitted by: Reviewed by:

Kus Soumie

Peter Green Assistant

Administrator