

Senate Committee on Agriculture and Natural Resources March 13, 1991 -
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statements made during this session. Only text enclosed in quotation
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report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 13, 1991Hearing Room C 8:00 a.m. Tapes 80 - 83

MEMBERS PRESENT:Sen. Dick Springer Sen. Joyce Cohen, Vice-Chair
Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh Sen. Tricia
Smith Sen. Eugene Timms

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,
Research Associate Kimberly Burt, Committee Assistant

MEASURES HEARD:SB 248 (WRK) SB 76 (PUB) SB 242 (PUB) SB 477 (PUB)

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TAPE 80, SIDE A

003 CHAIR SPRINGER: Calls the meeting to order. (8:09 am)

WORK SESSION ON SB 248 Witness: Jeff Curtis, Fish & Wildlife Rod
Engman, Fish & Wildlife Rep. Larry Sowa, House District 26 Jim Coffman,
Four Corners Rod & Gun Club Stephanie Schmidt, Monmouth, Oregon Daniel
Brosnan, Captain, Fish & Wildlife Division, Oregon State Police

040 CHRIS BECK: 248-2 amendments were submitted by SOWA, (EXHIBIT A),
deleting the non- resident hunting license for game birds; this would
require non-residents to obtain a non-resident wildlife license, which
is already in existence.

248-3 is from the Rod and Gun Club, (EXHIBIT B), and they would use \$1
of the new fees to go toward shooting range improvements and hunter
education.

There is another amendment from SOWA that would require a change in the
relating to clause, (EXHIBIT C), which would affect mountain sheep tags,
requiring that in addition to an auction, there would be a raffle, so
there would be two mountain sheep tags issued.

These would also limit the number of certain non-resident tags to no
more than three percent of all tags issued in the particular area of the
state for that class.

065 SEN. KINTIGH: 3% of all tags?

BECK: Non-resident elk, deer, black bear, cougar and antelope tags.

SEN. KINTIGH: How does that compare to what is being sold currently?

080 JEFF CURTIS, OREGON DEPARTMENT OF FISH AND WILDLIFE: Rod can answer that question.

ROD ENGMAN, OREGON DEPARTMENT OF FISH AND WILDLIFE: Tags very currently; this speaks to controlled hunts, which are the only ones we can really regulate.

105 REP. LARRY SOWA, HOUSE DISTRICT 26: I understand that the relating to clause would have to be changed, so the only amendment I am proposing is on page one, deleting the non-resident license to hunt game birds, see Exhibit A.

ENGMAN: We see very few of those licenses; we haven't attempted to raise the fees for those tags, but I don't have any strong feeling one way or another.

192 SEN. SMITH: Why would you delete this?

SOWA: This is a rational approach to non-resident licenses; we feel that all non-residents should be treated equal.

213 MOTION: CHAIR SPRINGER moves adoption of the (-2) amendments.

215 VOTE: Hearing no objection the motion carries.

230 JIM COFFMAN, FOUR CORNERS ROD AND GUN CLUB: Submits written testimony in support of (-3) amendments, (EXHIBIT D).

275 SEN. SMITH: Would there be a net affect in this if the department eliminated the money going into the program currently?

COFFMAN: If our amendment is approved and SB 248, with our amendment, is law, the money the department gets now would revert back to the Wildlife Management Program; we aren't asking for money from their present fund, but some of the money raised by SB 248.

300 CURTIS: The \$60,000 for shooting ranges is in the Governors budget.

ENGMAN: It does cost the department money; we will spend 280,000 in the 1991 - 93 budget and an additional \$60,000 for the shooting ranges, which comes to \$340,000.

There would be a net loss of a little under \$300,000 to the program.

CURTIS: If we do have to cut \$300,000 out of our budget it will come out of programs that are important to wildlife and it is for that reason that we would oppose this.

345 SEN. COHEN: I'd add another \$1.

CURTIS: We were told that is SB 248 didn't pass we wouldn't get any money, period.

415 SEN. TIMMS: At the ranges, are most people re-load type operations?

COFFMAN: The bulk of the money raised by Pitman-Robinson is raised by competitive shooters.

430 CURTIS: In 1981 there was a congressional bill that would have taxed the component parts of re-loading, but it didn't pass, so there is no tax on the components for re-loading.

ENGMAN: Gives break down of monies used by the department.

TAPE 81, SIDE A

045 CURTIS: There are two pieces of Pitman-Robinson; the tax on sporting arms and ammunition has been in existence since the 1930's and all that money has to go to wildlife management.

The other piece that we can use for hunter education and game ranges is the tax on hand guns and archery equipment.

080 SEN. SMITH: Would you have a problem with the extra 1\$.

CURTIS: No.

ENGMAN: NO.

SEN. TIMMS: No fee increase before Measure 5?

ENGMAN: We were working on a fee increase before Ballot Measure 5.

105 MOTION: SEN. KINTIGH moves adoption of the (-3) amendments.

110 VOTE: In a roll call vote the motion fails. Members voting No: Senators Cohen, Gold, Smith & Springer.

120 STEPHANIE SCHMIDT, MONMOUTH OREGON: I have submitted written testimony,

(EXHIBIT E); I am proposing amendments, (-1).

Supports raising fee for issuing tags from 50 cents to 1\$.

150 CHAIR SPRINGER: These would require us to change the relating to clause and members have been reluctant to do so.

CURTIS: I haven't seen these amendments, but I have heard of the concept.

There is a cost to us for each license agent we have; it is difficult to reduce the number of license agents in the state.

I'm afraid that with this amendment more people will apply to sell licenses; large stores would do well with this; our preference would be to not have this amendment pass.

CURTIS: This would increase our revenues as we sell licenses as well.

SEN. SMITH: How often do you change forms?

ENGMAN: They do change fairly often; recently we began scanning forms with computers.

227 SEN. BRENNEMAN: Do the agents keep the 50 cents?

ENGMAN: Yes.

SCHMIDT: We do keep the 50 cents.

ENGMAN: States times of year when tags are purchased.

SEN. BRENNEMAN: How long does it take to fill out the paper work to get a license?

SCHMIDT: Approximately 5 - 7 minutes.

340 MOTION: SEN. BRENNEMAN moves the (-1) amendments to SB 248.

350 VOTE: In a roll call vote the motion fails. Member voting No: Senators Cohen, Gold, Smith, Timms & Springer.

363 DANIEL BROSNAN, CAPTAIN, FISH AND WILDLIFE DIVISION, OREGON STATE POLICE: Submits written testimony and informative material, (EXHIBIT F).

Goes over pie charts showing numbers of illegal kills and arrests by area, see Exhibit E.

TAPE 80, SIDE B

045 SEN. BRENNEMAN: When do you take away licenses?

BROSNAN: We don't the courts hold the ability to suspend people.

The law does allow us to seize items used in crimes.

SEN. TIMMS: If this doesn't pass, what cuts will you see?

BROSNAN: We lose 13 positions and with other cuts we would lose 25.

090 SEN. TIMMS: If this is a problem, why don't they increase fees?

CURTIS: Illegal kills is a priority; we lost general fund revenues with Measure 5, so we are required to pay 10% of the state police budget with our license dollars.

125 BROSNAN: A large portion of our general fund dollars go towards commercial fishery enforcement.

CHAIR SPRINGER: To what extent does local law enforcement work with you?

BROSNAN: Some counties are very active; almost all of them do some incidental wildlife enforcement.

SEN. KINTIGH: Do the State Police have a program to encourage citizens to report illegal killings?

BROSNAN: There is a cooperative program call TIP, Turn in Poachers.

208 SEN. TIMMS: Could we amend the bill to limit this to 3% out of state hunters?

222 MOTION: SEN. TIMMS moves adoption of the language to limit the number of out of state tags to 3%, unless that doesn't fit the relating to clause.

263 VOTE: Hearing no objection the motion carries.

265 MOTION: SEN. COHEN moves SB 248 to Ways and Means with a do pass recommendation.

270 VOTE: In a roll call vote the motion carries. Members voting no: Senator Timms

PUBLIC HEARING ON SB 76, 242 & 477 OIL SPILL PREVENTION Witnesses: Andy Shiddell, Service Order Manager, Department of Environmental

Quality, (DEQ) Bruce Sutherland, Oil Spill Planning Coordinator, Department of Environmental Quality, (DEQ) Alyssa Ottomeier, President, Oregon Wildlife Rehabilitation Association Rob Douglas, Portland Steam Ship Operators Association Tom Zalinka, Marine Fire and Safety Association Kurt Oxley, Government and Public Affairs Unit, ARCO Transportation Company Paget Engman, Oregon Public Ports Association John Burns, Western States Petroleum and Marines Fill Response Corporation

280 CHAIR SPRINGER: The SB 242-1 amendments, (EXHIBIT G), would amend the bill to permit an assessment to be levied against the commission in an amount adequate to recover the cost of carrying out the regulatory and coordination role exercised by the Department of Agriculture, administrator of support services, based upon a percentage of each commissions budget.

CHAIR SPRINGER: The SB 242-2 amendments, (EXHIBIT H), provides for one public member for each commodity commission.

We may need to specify that the appointment will be at the next vacancy so that no one gets "bumped" off; at the normal rotation.

CHAIR SPRINGER: We are postponing this for a week to allow for the commodity commissions to re-act.

335 SEN. KINTIGH: If we pass both amendments we take away the public funding and then put public members on?

CHAIR SPRINGER: No, we don't take public funding away, but they will need to reimburse the Department of Agriculture for \$135,000 per biennium for the general fund dollars.

354 CHAIR SPRINGER: We will hold a work session on this in a week.

OIL SPILL PREVENTION PUBLIC HEARING ON SB 76, SB 242 & SB 477

GREEN: Staff from DEQ are here and will describe what the work group came up with; they have submitted a handout describing the three bills dealing with oil spill, SB 76, 242 and 477.

370 GREEN: The intent of the Chair was to keep all preventative measures that had been removed in the (-1) amendments, so the (-2)

amendments, were drafted.

There is a summary of the State of Washington's legislation, (EXHIBIT I).

415 CHAIR SPRINGER: Staff is distributing written testimony on SB 76 & SB 242 submitted by the League of Women Voters, (EXHIBIT J).

422 ANDY SHAEDEL, SERVICE ORDER MANAGER, DEPARTMENT OF ENVIRONMENTAL QUALITY, (DEQ): We will compare the amendments for you; the product of our work group is contained in 242-2, while 242-1 holds the state PC task force recommendations dealing with preventions.

460 BRUCE SUTHERLAND, OIL SPILL PLANNING COORDINATOR, DEPARTMENT OF ENVIRONMENTAL QUALITY, (DEQ): Submits and describes matrix, (EXHIBIT K).

One main recommendation of the task force was to coordinate with the State of Washington, other states and with the Coast Guard in putting together our recommendation.

TAPE 81, SIDE B

040 SUTHERLAND: We also added the fact that the coverage of the area was to include the Columbia River, the Willamette River to Oregon City and the Oregon Coast.

CHAIR SPRINGER: Why did Washington delete hazardous materials?

SUTHERLAND: There are problems with trying to do both; there isn't a lot of hazardous material on the Columbia River, but there are other materials, although we haven't had any spills of those materials.

085 SEN. COHEN: The (-2) amendments include hazardous materials?

SUTHERLAND: Yes.

Continues describing matrix, see Exhibit L.

100 SUTHERLAND: Marinas aren't covered and there has been discussion of adding them.

SHAEDEL: Marinas are covered in terms of educational type programs, but not the contingency planning portion.

CHAIR SPRINGER: Are they regulated by anyone?

SUTHERLAND: Fire safety plans; a potential problem is that there is fuel on land that is piped out to the dock.

CHAIR SPRINGER: We need to get the marinas involved.

SUTHERLAND: Continues with matrix, see Exhibit L.

160 SUTHERLAND: We would propose that we give them a longer time to develop a contingency plan; that is another question we were unable to solve.

CHAIR SPRINGER: Has the Port of Coos Bay participated?

SUTHERLAND: No; we are prepared to get them involved, and they have been informed of what is going on.

185 SUTHERLAND: Reviewing plan requirements, see Exhibit L.

233 CHAIR SPRINGER: Has the Coast Guard participated?

SUTHERLAND: Yes.

Vessels currently have annual inspections and have to carry permits; they don't inspect foreign vessels.

280 SUTHERLAND: Reviews penalty section, see matrix, Exhibit L.

345 CHAIR SPRINGER: The limits in 242 hold what limits?

SUTHERLAND: As directed by federal laws; for vessels, tankers and barges less than 3,000 gross tons is \$1200 per gross tons, with a minimum of \$2 million dollars.

For those greater than 3,000 gross tons there is a minimum of \$10 millions dollars.

400 SUTHERLAND: Continues summarizing limits listed on the matrix, see Exhibit L.

We do have the limits detailed as to the size of the vessel, see Exhibit L.

444 CHAIR SPRINGER: What are the cost figures associated?

SUTHERLAND: There is a federal fund set up to cover the costs above and beyond what the vessels insurance would cover; whether or not that would take care of our needs is speculative.

TAPE 82, SIDE A

045 SUTHERLAND: It is difficult to transfer oil spills into monetary figures; I believe that \$1 million was spent on the mobil oil spill in 1984 on the Columbia River.

We didn't take out any prevention requirements originally identified, but in SB 242-2 we did move some of those to different sections, primarily when dealing with authority and how to implement those requirements.

Double hulls and the vessel tracking systems that are under the coast guard authority.

SUTHERLAND: Page 4 of Exhibit L shows where some of the prevention parts were moved.

102 CHAIR SPRINGER: How much will this cost?

SHAEDDEL: We don't have full amounts, we did do some rough estimates and it appears to be under \$1 million, covering harbor safety committees, DEQ costs, Fish and Wildlife costs and DLCD costs.

Gives break downs of costs.

115 CHAIR SPRINGER: Is Washington moving in the same direction on these prevention issues?

SUTHERLAND: Yes; they have adopted most of the task force recommendations and they have also excluded the question of double hulls and vessel tracking systems.

135 SUTHERLAND: Washington is proposing a per barrel tax on products that enter the state to cover the expenses of their program.

148 SHAEDEL: The (-2) amendments contain a regional safety committee for the Columbia River that isn't in the (-1); that parallels the Washington legislation.

CHAIR SPRINGER: What are the duties of the harbor safety committees?

SUTHERLAND: In the (-2) amendments they are in an advisory capacity under the coast guard and we changed that because most of what they deal with are under the coast guard jurisdiction.

The duties of that committee are the same in both drafts, but we added an additional duty of looking at a numerous reporting system under the (-2) amendments.

175 CHAIR SPRINGER: It isn't clear to me if the coast guard would tell us that we can't impose additional requirements on harbor safety committees, in particular as it relates to the operations of vessels in restricted waters.

SUTHERLAND: If recommendations are made to the coast guard, they have to consider them.

203 ALYSSA OTTOMEIER, PRESIDENT, OREGON WILDLIFE REHABILITATION ASSOCIATION: Submits written testimony and testifies in support of SB 242, (EXHIBIT L).

This bill provides money for volunteers to be trained if another spill does happen.

235 ROB DOUGLAS, PORTLAND STEAM SHIP OPERATORS ASSOCIATION: We are making progress; we are pleased to see the filing of contingency plans and automatic coverage for foreign vessels kicking in when they do pay the assessment.

We do have some concerns with some of the elements discussed today and Mr. Zalinka will cover those.

257 TOM ZELENKA, MARINE FIRE AND SAFETY ASSOCIATION: I have some concerns over definitions; the situation isn't dire in terms of the small boat marinas.

We are concerned about how you add them in terms of the economic impact; the definition of "navigable waters of the state" is too broad.

The existing definition at DEQ is fairly broad and I am concerned about the new definition.

290 ZELENKA: In section 4, the contingency plans should be required for all cargo and passenger vessels over 300 gross tons, not just tank vessel and oil facilities.

We are concerned about language for training for crews of tugs; this is an area where there is substantial amounts of federal training required.

In section 5 the requirements for booms on board is impractical; vessel equipment is controlled by the coast guard.

365 ZELENKA: Coastal planning requirements; there is a need to identify the needs and potential problems, pursuing the kinds of approaches needed to respond to spills as well as how we will finance that.

We would like reciprocity between Washington & Oregon & the coast guard in terms of implementation of the 1990 federal act.

444 SEN. COHEN: Are you working with the State of Washington on oversight?

ZELENKA: There are representatives of the maritime community working with them.

Washington has a memorandum of agreement between the state and the coast guard.

TAPE 83 SIDE B

065 ZELENKA: Harbor safety committees; the public hearing process and rule making process is extensive.

It is our understanding that the contingency plans that would be filed would go through their process of public hearings, so our feeling is that the harbor safety committees represent something that is already in place and is adding a substantial additional cost.

We are also concerned about the cost recovery for the bird cleaning program under the fish and wildlife program; that element needs to occur, but there is separate cost recovery assessments and requirements under other statutes.

115 ZELENKA: Our concern with adding fees is that will chase cargo away from the river and from Oregon; Oregon ports are considered to be more expensive than other ports and some of these things will make that perception worse.

125 CHAIR SPRINGER: What other planning activity do you see the DEQ effort duplicating?

ZELENKA: Their review and identification of where environmental sensitive areas and needs are does need to be updated.

There is a market driven as well as federally mandated driven program in place in terms of oil spill prevention and oil spill response; there have only been two spills that have exceeded \$100 million in liability.

There are stiff incentives to do prevention, not just clean up afterwards.

195 CHAIR SPRINGER: We want to get a work group together next week, March 21st at 9:00 a.m.

205 KURT OXLEY, GOVERNMENT AND PUBLIC AFFAIRS UNIT, ARCO TRANSPORTATION

COMPANY: We are the shipping and pipeline subsidiary of ARCO.

We feel that the 1990 federal legislation did go a long way towards this goal, but it did reserve a complimentary role for the state.

This legislation is well balanced and doesn't serve to decrease the competitiveness of the Port of Portland or the adjacent shipyard.

240 OXLEY: We do have a concern with the possible interrelationship with pending spill legislation and SB 500, the Pacific Ocean resources compact and we would prefer to see the two legislative concepts remain unlinked.

ARCO would encourage the addition of a provision to encourage prompt clean up by contractors by providing limited immunity to those who respond to oil spills.

252 OXLEY: Our final concern is with the lack of clarity with regard to the associated funding requirements, but we realize that this is in the stages of development.

Until we know more about the fee structure, the fee payer identity and administration of the fund we must withhold specific comment on the fee section.

We are also in the process of reviewing this morning's drafts and will submit comments for the record in the future.

270 PAGET ENGMAN, OREGON PUBLIC PORTS ASSOCIATION: I am not representing the Port of Coos Bay.

CHAIR SPRINGER: I am concerned about what happens if there is a problem in Coos Bay as they say they will need more time to prepare.

ENGMAN: They haven't been involved in the working group; I'm sure they would send someone, but I can't answer for them.

I would also inquire about the Port of Newport.

300 JOHN BURNS, WESTERN STATES PETROLEUM AND MARINES FILL RESPONSE CORPORATION: The work group made real progress; I do believe that a positive aspect about the work group was that for most meetings there was a coast guard officer present who helped with respect to questions on the interrelationship of coast guard regulations.

I do notice that the provision on page 8 of the (-2) amendments requires all tank vessels carrying oil or hazardous material to have spill response booms on board and my people tell me that is unrealistic.

We would be happy if the ultimate determination of that was left to the rule making process.

330 BURNS: Part of the \$11 million in equipment that has been committed to Oregon will consist of booms and spill response equipment which it will catch at strategic locations along the Oregon coast.

The MSRC vessel is going to be a 200 foot vessel permanently stationed at Astoria as that is where the greatest quantity of oil and hazardous materials comes into Oregon.

We will be making arrangements in advance for local fisherman, fire departments or others to activate the emergency spill response equipment if there is a problem.

420 BURNS: The working group left the question of spill responder immunity up to the committee as a matter of policy and we think that limited immunity is important.

We support section 15 of the bill, which authorizes the Department of Fish and Wildlife to do wildlife rescue training and we think that responder immunity is just as important for the volunteers as it is for our people or anyone else legitimately engaged in oil spill response and clean up.

450 CHAIR SPRINGER: How do you feel about harbor safety committees?

BURNS: They are a good idea.

If we are to have local harbor safety committees there should be some memorandum of understanding, (MOU), with the coast guard and the state entity responsible.

495 CHAIR SPRINGER: We are adjourned. (10:58 a.m.)

Submitted by: Reviewed by:

Kimberly Burt Peter Green Assistant Administrator

EXHIBIT SUMMARY:

A - SB 248-2 amendments submitted by SOWA, pp B - SB 248-3 amendments submitted by STAFF, pp C - Proposed amendment submitted by SOWA, pp D - Written testimony submitted by COFFMAN, pp 13 E - Written testimony and SB 248(-1) amendments submitted by SCHMIDT, pp 4 F - Written testimony and informative material submitted by BROSANAN, pp 21 G - SB 242-1 amendments submitted by STAFF, pp 21 H - SB 242-2 amendments submitted by STAFF, pp 21 I - Summary of Washington Legislation submitted by STAFF, pp 11 J - Written testimony submitted by STAFF, pp 4 K - Matrix submitted by SUTHERLAND, pp 7 L - Written testimony submitted by OTTOMEIER, pp 2