

Senate Committee on Agriculture and Natural Resources May 22, 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

May 22, 1991Hearing Room C 8:00 a.m. Tape 210 - 212

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

VISITING MEMBERS: Rep. Ron Cease

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

MEASURES CONSIDERED: SB 555 (WRK) SB 1125 (WRK) SB
692 (WRK) SB 1017 (WRK) HB 2796 (PPW) HB 2330-A(PPW) HB 2329 (PPW)
HB 2278-B(PPW) HB 2148 (PPW) HB 3370-A(PPW)

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

TAPE 210 SIDE A

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

PUBLIC HEARING & WORK SESSION ON HB 3370-A

WITNESSES: Representative Ron Cease, District 19 Keith Burns, Chair,
Hanford Advisory Committee Mike Grainey, Department of Energy

012 REP RON CEASE, District 19, Reviews history of the Oregon Hanford
Waste Board, what the organizational changes proposed in HB 3370-A are,
and why they are necessary.

045 KEITH BURNS, Chairman, Oregon Hanford Advisory Committee, Submits
and reviews testimony supporting HB 3370-A EXHIBIT A. -Anticipated
budget is about \$20,000 from other funds. -Suggests removing subsequent
referral to Ways and Means. -Submits EXHIBIT B, a comparison of the
Proposed Board with the Current Board.

070 CEASE: The running of the proposed board will be cheaper than the

current board.

075 MIKE GRAINEY, Department of Energy, Submits and reviews testimony in support of HB 337 0 EXHIBIT C.

086 CHAIR SPRINGER: Has the the Department of Energy Budget's passed yet?

088 GRAINEY: No, it is still in subcommittee in Ways and Means. There are sufficient funds in the budget for this activity.

WORK SESSION ON SB 692

WITNESSES: Charlie Stone, Department of Forestry Allan Willis, Oregon Forest Industry Council (OFIC)

100 CHRIS BECK, Committee Research Associate, Gives overview of SB 692 and The SB 692-2 amendments EXHIBIT D. SB 692-2 is basically a new bill developed by a work group with the City of Portland and the Department of Forestry.

116 CHAIR SPRINGER: Who are proponents of SB 692-2?

120 BECK: City of Portland, Department of Forestry and Sen. Bradbury.

125 CHARLIE STONE, Dept of Forestry, Explains the purpose of SB 692-2 EXHIBIT D

143 CHAIR SPRINGER: Establishes that all of the proponents of SB 692-2 are in agreement.

147 ALLAN WILLIS, Manager of Governmental Affairs, Boise Cascade and Chair of OFIC Land Use Committee, Has concerns with the SB 692-2 amendments EXHIBIT D. -sites certain situations that could cause problems. -Submits suggested amendments to SB 692 EXHIBIT E, which address his concerns. -Department of Forestry's concerns with concurrent jurisdiction.

186 SEN. SMITH: Can the city move its limits outside of an Urban Growth Boundary (UGB) without moving the UGB?

190 WILLIS: That situation has occurred; the annexation laws don't prohibit annexing lands outside of the UGB.

194 SEN. SMITH: Do you know that for sure? That isn't my understanding.

196 WILLIS: No. If that is the case then perhaps if there are forestlands within city limits, outside of UGBs, maybe they should be disannexed.

208 STONE: These situations do occur. Doesn't know whether or not cities with city limits outside the UGB can annex additional land outside the UGB. -Explains specifics of amendments having to do with city populations of 100 ,000 or more.

228 SEN. SMITH: Salem's city limits are inside the UGB.

234 WILLIS: In West Salem there is a huge UGB so the city limits aren't outside. Salem isn't a problem.

SEN. SMITH: Other than Sub b of Sub 2, SB 692-2 EXHIBIT D, your problem is the broad term of local government?

247 WILLIS: Yes. Reiterates his proposed changes to SB 692 EXHIBIT E.

256 STONE: The term 'local government' as used in existing law has been our intent all along. -Local Government means cities, counties and metropolitan service districts.

262 SEN. SMITH: If they can't move their limits outside the UGB, the language is superfluous; if they can then she is unaware of it.

268 CHAIR SPRINGER: No one is here from the City of Portland.

WORK SESSION ON SB 1017

283 BECK: Explains SB 1017 and the SB 1017-1 amendments; doesn't believe there is opposition.

297 MOTION:Sen. Cohen moves SB 1017 to floor as amended, do pass.

VOTE:The motion is adopted with 7 ayes.

PUBLIC HEARING & WORK SESSION HB 2330-A

354 DAVE NELSON, Oregon Dairymen's Assoc., Gives overview of HB 2330-A

369 PHIL WARD, Dept of Agriculture, Submits testimony and gives an overview in favor of HB 233 0-A EXHIBIT F.

TAPE 211 SIDE A

002 DON MOISON, President, Oregon Dairy Farmer's Association, Supports HB 233 0-A on behalf of his organization. Stresses the importance of the regulatory program to the Dairy Industry.

020 CHAIR SPRINGER: What's the big picture? There is a fee increase in the bill.

026 WARD: This program is impacted by the issues facing our budget. The fee increase is a minor issue. This bill gives us the ability for us to reinventory our licensees.

042 NELSON: The real issue on the fee isn't determined by HB 2330-A. Whether the Program is fully funded will be determined by HB 3578 which is in Ways and Means.

050 CHAIR SPRINGER: The license fee applies just to Pasteurizer Operators? How about the Bill?

052 WARD: Yes, it applies to just Pasteurizer Operators. HB 2330-A continues the scope of the Dairy Program. It simply authorizes us to continue dairy related inspections.

057 SEN. TIMMS: Comments that hopefully the Department of Agriculture's budget is increased in the House.

070 MOTION:Sen. Timms moves HB 2330-A to Ways and Means, for a sign-off, do pass.

VOTE:The Motion passes with 6 ayes. Sen. Smith is excused.

WORK SESSION ON SB 555 AND SB 1125

WITNESSES: ROBERT GREEN, Forester, Highway Division JIM BROWN, Department of Forestry RAY WILKESON, Oregon Forest Industries Council JILL ZARNOWITZ, Department of Fish and Wildlife JEFF CURTIS, Department of Fish and Wildlife

087 ROBERT GREEN, Forester, Highway Division, Submits testimony on SB 1125 and outlines suggested changes EXHIBIT G.

114 SEN. COHEN: Right now a joint ownership can clear right up to your right of way?

117 GREEN, R: That's true. explains problems that arise from this.

121 SEN. COHEN: They do that now. You don't have control of a joint ownership clearing up to your right of way.

123 GREEN, R: No but, we can get rid of the Highway Division trees so they aren't left standing to blow down. If they leave 50 trees per acre on a center station of 29 and a half feet, that isn't sufficient to keep our trees from being toppled. -The Highway Division is trying to increase landowner liability when damage is done to the roadway.

147 SEN. BRENNEMAN: The points brought up in EXHIBIT G, are valid. Relates these to common coastal road conditions.

162 SEN. SMITH: Is it possible for the committee to replace section 20 of SB 1125-11 EXHIBIT H with the cooperation of the Transportation Commission with rules for treatment of scenic highways. - which highways are the right highways - directing the board to work with the Highway Division and their requirements

200 SEN. KINTIGH: suggests making the change referred to in the 4th paragraph on page one of his testimony EXHIBIT G - changing the measuring point from the shoulder to the edge of the right of way.

209 GREEN, R: Yes, that would solve our problems.

213 SEN. BRENNEMAN: Motorist safety should be uppermost in conjunction with Sen. Smith's previous suggestions.

219 SEN. COHEN: Suggests how to go about Sen. Smith's suggestions.

237 GREEN, R: Adds that in a portion of these rights of way...

238 SEN. COHEN: We're talking about highways, not rights of way.

241 PETER GREEN, Committee Administrator, States the two things the bill does. -designates a list of highways. -designates how to manage the land. -Do we leave the list of highways intact, leaving land management up to the Board? -Do we put this in statute subject to change?

247 SEN. COHEN: The 150 feet is a starting place. Change based on safety and other considerations should be allowed.

253 GREEN, P: Proposes general language to legislate forest practices along state highways.

260 SEN. COHEN: Wants to amend the definition of visually sensitive corridor as found on page 3 of SB 1125-11 EXHIBIT H to be 150 feet from the outboard of the highway right of way. - would also allow for other modifications in the 150 feet corridor.

SPRINGER: Establishes that Sen. Brenneman's suggestion concerning public safety be included.

276 GREEN, P: To what extent do we want to get into the detail? -we can change the definition to Section 2 -Do we want to put in the highways now? -Do we want to put in how the trees are managed?

SEN. COHEN: Doesn't have a problem designating highways as long as they have rules to base decisions.

297 SEN. SMITH: Concern with whether or not Forestry has jurisdiction along certain highways. Namely I-405. Doesn't want to force them into rule making for highways that are inappropriate and if we list highways, that may limit them.

308 SEN. COHEN: We don't want to have a debate about a bunch of little highways. Our effort is to stick with the major highways.

329 JIM BROWN, State Forester, with regard to Senator Smith's concern on roads like I-405, the definition of visually sensitive corridor means forestland. -suggests new language to line 3, page 20 of SB 1125-11 EXHIBIT H -the new language is referenced back to Visually Sensitive Corridors -on line 7, page 20 of SB 1125-11, change `outermost shoulder' to `outermost right of way boundary. -take out section 3, on page 20 of SB 1125-11 and rewrite it through administrative rule.

389 GREEN, P: Reviews Mr. Brown's changes to page 20 of SB 1125-11 amendments EXHIBIT H

407 CHAIR SPRINGER: This includes the new definition of distance from the center line as opposed to the outermost shoulder?

TAPE 210 SIDE B

004 PETER GREEN: Yes, for Section 20 in SB 1125-11. Should `outermost right of way boundary' be used in Section 1 EXHIBIT H?

005 BROWN: Yes, use the same term, `outermost right of way boundary'. -Understands Department of Transportation's (ODOT) concern with Sub 4 on page 21 of SB 112 5-11 EXHIBIT H -From the landowners perspective it is important.

012 CHAIR SPRINGER: What's the problem? You can be liable? Doesn't like sub 4 on page 21 of SB 1125-11.

014 BROWN: If your trees blow down you could be liable.

GREEN, P: Only if the trees are left within the visually sensitive corridor.

020 SEN. COHEN: We should leave it in.

CHAIR SPRINGER: ODOT or Forestry, what is your concern about the liability? What is meant by section 4 from ODOT's testimony EXHIBIT G.

034 GREEN, R: Occasionally landowners have logged timber against our wishes. This can cause slides onto the highway. It is an unnecessary cost to the highway division.

040 SEN. COHEN: What have you done about it? Have you talked to Forestry?

042 GREEN, R: It's been left up to district managers. We haven't talked to forestry

048 CHAIR SPRINGER: We don't have to pass a law to get ODOT to talk to Forestry do we? Mr. Brown, if there is a blowdown on the highway, who's responsible for the clean up?

051 BROWN: We require the operator if it's associated with a logging operation, to clean it up; if it isn't associated with a logging operation it's Highway's responsibility.

061 GREEN, R: In reality if there is a blowdown for any reason, we are there.

CHAIR SPRINGER: You have a responsibility to maintain an unobstructed roadway. You'll get sued if you fail to clean it up. If the private landowner's liability is eliminated, the state will get sued instead. Everyone will get sued.

075 GREEN, R: The intent is to leave more trees; if the parties are still liable for damage, there would be a larger buffer.

CHAIR SPRINGER: What will happen if that is the case?

GREEN, R: There will be more trees per acre left.

SPRINGER: A majority of the committee wants that language in anyway. How will SB 1125 effect highways that aren't safe?

092 BROWN: Any rules the Board adopts will take account of the safety factors; this will be done in consultation with ODOT.

097 SEN. KINTIGH: Does the landowner have responsibility at present?

103 BROWN: Doesn't know.

109 CHAIR SPRINGER: Establishes that ODOT's concerns have been addressed.

127 RAY WILKESON, Oregon Forest Industry Council (OFIC), ODOT has raised legitimate points and Mr. Brown has made a positive contribution. Isn't aware of any problems with OFIC.

130 CHAIR SPRINGER: Introduces EXHIBIT I, SB 1125-11 amendments, further amended by his direction. -Page 4, dealing with clearcut size by region. -Page 5, section 5. added language-relates to Board's rule making authority. -page 7, disease, insect question. -Page 10, section 9. Language suggested by Sen. Duff concerning the health of the forest. -Page 12, line 12, replaces 160 acres with 120 acres -Page 13, makes clear that waiver of notices doesn't apply to chemical application notice. -Page 15, clarifies intent of what the Board is expected to do. -Page 18, new language dealing with the study and rule adoption of cumulative

effects.

237 SEN. COHEN: Where are you studying cumulative effects otherwise? On page 4 of SB 1125-11. EXHIBIT I

251 GREEN, P: The language suggested is replacing cumulative effects study.

253 SEN. COHEN: Wants them to evaluate the best management practices. Uses Senator Kintigh's memo as an example EXHIBIT J.

258 CHAIR SPRINGER: This new Section 14 on page 18 of SB 1125-11 EXHIBIT I is attempting to accomplish that. It requires the Department to conduct an evaluation and then report back with recommendations.

270 SEN. KINTIGH: Could we say they should `evaluate' current studies.

SEN. COHEN: That's fine with me. Suggests specific language.

SEN. KINTIGH: Just do they know they don't have to do a research project.

GREEN, P: Suggests additional language to Section 14, page 18 of SB 1125-11 EXHIBIT I

296 CHAIR SPRINGER: Mr. Brown do you have any comments? Are we being clear?

301 BROWN: The word evaluation implies looking at current research. Gives further suggestions for page 18 EXHIBIT I.

319 GREEN, P: Reads Section 14, page 18 of SB 1125-11 EXHIBIT I with the latest changes.

SEN. COHEN: Should we take out `river basin'?

CHAIR SPRINGER: its not meant to limit.

339 BROWN: it depends on your intent; if you're looking for a case study, leave it in, if you want a broad evaluation then take it out.

344 SEN. COHEN: If you're evaluating, you have to choose a route anyway. Wants it clear that Forestry can make regional assumptions.

355 BROWN: We have three geographical provinces from a Forest Practices Standpoint.

SEN. COHEN: Should we say each region?

363 BROWN: Prefers not. There are strong similarities between some regions.

SEN. COHEN: Is willing to take it out if it is clear that it is a meaningful evaluation of a fairly specific subject.

BROWN: Understands

375 GREEN, P: Rereads section 14, SB 1125-11 EXHIBIT I as even further amended.

382 BROWN: An effective approach would be to pick one or two case studies.

SEN. COHEN: That is fine.

TAPE 211 SIDE B

004 CHAIR SPRINGER: At this point we have OFIC's acquiescence on Section 20 of SB 1125-11 EXHIBIT I; however, they reserve the right to make further recommendations after they've had a chance to study it. -Section 21, SB 1125-11 EXHIBIT I, incorporates recommendation from Commissioner Rust; a study of the Yew tree.

013 GREEN, P: Mr. Brown expressed concerns about the cost. Section 21, 1125-11 EXHIBIT I -An inventory could be extremely expensive. -Regarding economic development mentioned in sub 3; there is no longer a division for this.

020 BROWN: There are 3 different concerns. Section 21, SB 1125-11, EXHIBIT I -Sub 1, the term inventory is specific and requires an expensive process. suggests new language -Sub 2, relates to the Department of Agriculture, not Forestry -Sub 3, deals with economic development and we no longer have this function; it has been moved over to Economic Development as a result of HB 3396 from 1987.

CHAIR SPRINGER: That is a substantial rewrite.

041 GREEN, P: We could easily rewrite sub 1 of Section 21 EXHIBIT I. Isn't sure about the suggestions made to Sub 2 regarding the Yew's relation to the Endangered Species Act. The Sub 3 suggestions are appropriate.

045 SEN. COHEN: At a minimum we should drop sub 2 and sub 3 of Section 21, SB 1125-11 EXHIBIT I

CHAIR SPRINGER: Suggests new language to Section 21, EXHIBIT I

050 BROWN: Suggests language to Section 21, EXHIBIT I

SEN. COHEN: Does that give enough information to send us a comprehensive set of policies?

061 CHAIR SPRINGER: We could pare that down, saying `They shall conduct a study and shall submit a recommendation'?

SEN. COHEN: Using existing information?

066 CHAIR SPRINGER: Yes, based upon existing information. Establishes that Mr. Brown is ok on this.

075 GREEN, P: Rereads and clarifies the new language to Section 21 of SB 1125-11 EXHIBIT I

087 CHAIR SPRINGER: Isn't sure if SB 1125-11 has dealt with the enforcement or bonding language from SB 1125. We need to add that.

GREEN, P: Sites three places in the original SB 1125 dealing with bonding and enforcement. -Section 13 -Page 8, the boldface language. -The deletion on page 9. -Sub 6 on the top of page 9.

104 CHAIR SPRINGER: Opens discussion with the Department of Forestry and OFIC about the bonding language from the original bill.

110 STONE: Referring to SB 1125. -Section 13 is necessary to allow us to collect the bond. -Line 3 on page 9 is necessary. -Sub 5 of Section 13 is superfluous.

131 CHAIR SPRINGER: We retain the deletion of the limitation on the life of the lien. Retain the new language on page 8 lines 29-39 SB 1125. The separate fund is out.

135 GREEN, P: establishes that all of section 13 of SB 1125 remains except Sub 5. Establishes that the bonding language is in the conversion section of SB 1125-11 amendments EXHIBIT I.

SEN. SMITH: It begins on line 23 of page 9 of SB 1125-11, EXHIBIT I

CHAIR SPRINGER: If we need to cross reference that to ORS 527.690, we can do so.

145 WILKESON: The changes are fine with us.

GREEN, P: Begins work on the SB 1125-5, fish study amendments. Department of Fish and Wildlife (ODFW) has done some modifications.

178 JILL ZARNOWITZ, ODFW, Gives Overview of EXHIBIT K, a memo from ODFW to Forestry regarding proposed amendments the SB 1125-5 amendments. -clarifies the use of existing information -modifies definition of anadromous fish runs. -The study could also identify whether or not Forest Practices are limiting depressed run recovery. -Time limitations.

220 BROWN: Agrees with the proposed amendments. Concurs with ODFW's deletion of the date from SB 1125-5. Submits EXHIBIT L a letter regarding SB 1125 amendments. EXHIBIT L also includes the SB 1125-5 amendments.

235 JEFF CURTIS, ODFW, The Department of Forestry revisions are satisfactory.

239 SEN. SMITH: Is there a commitment from the US Forest Service, BLM and Bonneville Power to fund this?

BROWN: Yes.

247 CHAIR SPRINGER: Are we talking about a dollar figure yet? Refers to the Blank in Section 22 of the SB 1125-5 amendments EXHIBIT L.

251 BROWN: Recommends leaving it blank and letting Ways and Means deal with it.

253 SEN. COHEN: About how much money are we talking about?

255 BROWN: The ballpark is about \$600,000.

260 MOTION:Chair Springer moves -5 amendments as further amended.

VOTE:Hearing no objection they are adopted.

270 CHAIR SPRINGER: What issues of yours haven't we addressed?

BROWN: you've dealt with all of them except for: -prescribed burning -recommends 5 mile, not 15 mile notification for chemical application of downstream water users. -For the Record, are you talking about out of stream use of the water or instream use? Most of your discussion has been out of stream use.

293 SEN. SMITH: What do you mean by instream use?

BROWN: Instream would be for fisheries; out of stream would be for domestic purposes.

302 SEN. SMITH: Would it be a problem to notify ODFW on their instream water rights.

307 BROWN: They are notified; The question is, what is the intent?

SEN. SMITH: The intent was to notify anyone with a water right.

311 CHAIR SPRINGER: The notice would be more for specifying dates and the kind of chemical being used, and the area being sprayed, at a minimum. Is that a safe assumption?

BROWN: Yes.

CHAIR SPRINGER: The intent is to provide fair warning.

321 BROWN: We also recommend adoption of the SB 1125-9 amendments. This is covered in the memo EXHIBIT L

333 CHAIR SPRINGER: Begins discussion of Slash Burning starting at Section 15 in SB 1125-11 amendments EXHIBIT I

347 SEN. KINTIGH: discusses SB 1125-12 amendments, EXHIBIT M. Addresses two problems.

367 CHAIR SPRINGER: To what extent do we take trucks out to apply chemicals?

SEN. KINTIGH: That would be done on forest roads.

CHAIR SPRINGER: That concerns me.

375 SEN. COHEN: Suggests not changing current notification process.

403 SEN. KINTIGH: It doesn't require a person to wait?

SEN. COHEN: No. Not beyond anything else.

TAPE 212 SIDE A

003 BROWN: The operational concern of Sen. Kintigh's gets tangled on Line 28 where the Forester can't make a judgement to waive the 30 day waiting period. EXHIBIT I, page 13.

017 CHAIR SPRINGER: Amends page 13, SB 1125-11, EXHIBIT I to exclude aerial applications from the current waiver language, not from the notification requirement.

025 SEN. KINTIGH: That's fine.

035 MOTION: Sen. Smith moves the SB 1125-11 amendments as further amended by the Chair, including the existing Section 13.

047 SEN. COHEN: Would rather do the SB 1125-9 amendments first.

CHAIR SPRINGER: Asks Sen. Smith to withdraw her motion.

060 SEN. BRENNEMAN: Adds comments on slash-burning. Offers a compromise motion to change the dollar figure on page 19, line 1, SB 1125-11 EXHIBIT I.

CHAIR SPRINGER: This would also modify Section 17 of EXHIBIT I.

SEN. COHEN: Since this prescribes, it doesn't allow them to waive the fees if it's the for health of the forest. If we keep this section in we need to add that.

SEN. BRENNEMAN: Would be willing to remove Section 17. EXHIBIT I

080 CHAIR SPRINGER: There is no objection to permitting a waiver of the fee if it's for the health of the forest. It boils down to how much of a fee.

088 SEN. KINTIGH: How will this fit with the proposed Clean Air Bill.

CHAIR SPRINGER: The House version doesn't deal with slash-burning.

100 SEN. COHEN: Supports Sen. Brenneman's price change. Concerned with Section 18, EXHIBIT I. It will probably be wiped out by the House.

119 CHAIR SPRINGER: Reiterates Sen Brenneman's changes to SB 1125-11 EXHIBIT I. -Remove Section 17 -reduce \$15 to \$5 -waiver of fees for the health of the forest.

MOTION:Sen. Brenneman moves to include additional amendments to SB 1125-11

VOTE:In a roll call vote the motion passes, with Sen. Smith and Sen. Springer voting Nay.

CHAIR SPRINGER: Opens discussion on the SB 1125-9, OFIC Amendments, EXHIBIT N and suggests changes -line 25, page 1, substitute 'impair' for 'prevent'. 200 -page 2, lines 8-10, recommends reorganization and new language.

253 SEN. BRENNEMAN: Who are 'other forest managers'?

GREEN: They would include, Federal, BLM, Washington, California...

257 SEN. COHEN: Assumes these are things that can be brought in for evidence.

260 CHAIR SPRINGER: Continues his changes to EXHIBIT N -Page 3, Line 15, Changes first word to 'If' from 'Unless' -Page 6, Line 4, adds 'Implementation of' to the beginning of the sentence.

MOTION:Chair Springer moves adoption of the OFIC SB 1125-9 amendments as further amended by the Chair.

298 SEN. COHEN: Doesn't see any changes. These were just clarifications in language.

VOTE:With no objection the amendments are adopted.

324 MOTION:Sen. Smith moves the SB 1125-11 amendments as previously amended, with the inclusion of Section 13, Sen. Brenneman's amendments and all other amendments previously noted.

VOTE: The motion passes with 6 Ayes. Sen Timms is excused.

339 SEN. BRENNEMAN: Would have preferred some other changes but in lieu of the amount of time we've spent and the amount of time required yet to go, he is satisfied with what has been done.

SEN. SMITH: Doubts there is a member on this committee who wouldn't have preferred more changes.

347 CHAIR SPRINGER: This has been a great education for me. Nobody is probably entirely satisfied. Others here including Senate members might want to make changes on the House side. Appreciates everyone's patience.

372 MOTION:Sen. Cohen moves SB 1125 as amended to the floor, do pass, with the recommendation that the subsequent referral to Ways and Means be rescinded.

VOTE:The motion is adopted with 7 Ayes.

CHAIR SPRINGER RECESSES THE MEETING UNTIL 5:30

EXHIBIT LOG:

A - Testimony on HB 3370 - Keith Burns - 3 pages B -Testimony on
HB 3370 - Keith Burns - 1 page C - Testimony on HB 3370 - Mike
Grainey - 2 pages D - Amendments to SB 692 - Staff - 3 pages E
- Amendments to SB 692 - Allan Willis - 2 pages F - Testimony on
HB 2330-A - Phil Ward - 1 page G - Testimony on SB 1125 - Robert
Green - 3 pages H - Amendments to SB 1125 - Staff - 21 pages I
- Amendments to SB 1125 - Sen. Springer - 21 pages J
- Testimony on SB 1125 - Sen. Kintigh - 1 page K -Amendments to
SB 1125 - ODFW - 2 pages L - Amendments to SB 1125 - Jim Brown - 6
pages M - Amendments to SB 1125 - Sen. Kintigh - 1 page N
- Amendments to SB 1125 - OFIC - 7 pages O - Amendments to SB 1125
- Staff - 5 pages

Submitted by: Reviewed by:

Jill Rader Peter Green Clerk Administrator

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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 22, 1991Hearing Room C 5:30 p.m. Tape 213 - 214

MEMBERS PRESENT:Sen. Dick Springer, Chair Sen. John Brenneman Sen. Tricia Smith Sen. Eugene Timms

MEMBERS EXCUSED:Sen. Bob Kintigh Sen. Joyce Cohen Sen. Shirley Gold

VISITING MEMBERS: Rep. Fred Parkinson

STAFF PRESENT: Chris Beck, Research Associate Kus Soumie, Committee Assistant Jill Rader, Committee Clerk MEASURES

CONSIDERED: SB 692 (WRK) HB 2796 (PPW) HB 2329 (PPW) HB 2278-B(PPW) HB 2148 (PPW) HB 3370-A(PPW)

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TAPE 213 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 5:30 PM

WORK SESSION ON SB 692

WITNESSES:Allen Willis, Boise Cascade Charlie Stone, Department of Forestry Al Burns, Portland Bureau of Planning

007 ALLEN WILLIS, Boise Cascade, Suggests an additional change to SB 692-2 EXHIBIT A on line 17, page 1.

018 CHARLIE STONE, Department of Forestry, Establishes that the Department of Forestry is satisfied with the additional language to SB 692-2.

020 AL BURNS, Portland Bureau of Planning, The additional language to SB 692 -2 is satisfactory. We have no intention of annexing lands beyond the Urban Growth Boundary, and we have no problem providing this guarantee in statute.

MOTION:Chair Springer moves the adoption of SB 692-2 as further amended.

VOTE:Hearing no objection they are adopted.

029 SEN. BRENNEMAN: What about in SB 692 on line 10, an earlier suggestion was to change `local governments' to `cities and counties'?

030 WILLIS: That language isn't in the amendments just adopted.

MOTION:Sen. Brenneman moves SB 692 as amended to the floor, do pass.

VOTE:In a roll call vote the motion is adopted with 4 ayes; Senators Cohen, Gold and Kintigh are excused.

WORK SESSION HB 3370-A

055 MOTION:Sen. Brenneman moves HB 3370-A to the floor, do pass.

VOTE:In a roll call vote the motion is adopted with 4 ayes; Senators Cohen, Gold and Kintigh are excused.

PUBLIC HEARING AND WORK SESSION HB 2796

WITNESSES:Rep. Fred Parkinson, District 28 Russ Nebon, County Planning Director's Assoc.

063 FRED PARKINSON, State Representative, District 28, Gives a brief overview of HB 2796. There was no negative testimony on the House side.

085 CHAIR SPRINGER: Is it your intent that the church and the cemetery would be part of the same piece of property?

088 PARKINSON: The Bill says 'in conjunction with'. There was discussion in the House Committee Committee. Legislative Counsel said there was no other way to word it and that Oregon Courts have never interpreted this phrase but they do use it. The intent would be that the cemetery be adjacent to the church.

100 CHAIR SPRINGER: What brought this bill about?

102 PARKINSON: A group of people in my district are trying to establish a church with a cemetery. Marion County said there was no way to permit a cemetery under present state law.

109 CHAIR SPRINGER: Asks about the HB 2796-1 amendments EXHIBIT B from Rep. Brian.

111 PARKINSON: Rep. Brian is concerned that a profit organization could avoid paying property taxes through this. The HB 2796-1 amendments are a surprise. It would complicate things and it might not be necessary.

CHRIS BECK, Committee Research Assistant, Rep. Brian won't be here tonight. He said he spoke with Rep. Parkinson earlier.

129 PARKINSON: He said earlier he had no concerns. You might do some research on the HB 2796- 1 amendments. It would be a departure from present state law. They are not taxed.

142 CHAIR SPRINGER: Please let us know when you and Rep. Brian work this out.

PARKINSON: Suggests bringing in more testimony other than his and Rep. Brian's. You should have testimony on how this would effect cemeteries that are presently operated because it is a departure. The assessors could help you and there might be a Cemetery Association.

145 SEN. SMITH: The amendment or the bill don't seem to address taxation

at all. The HB 2796-1 amendment says a cemetery will be allowed if it is non-profit.

PARKINSON: The taxation issue is the concern of Rep. Brian. Maybe the amendment doesn't do what he intends.

160 RUSS NEBON, County Planning Director's Assoc., Testified in favor of this bill on the House side. Gives a brief explanation of what the bill does and why it is necessary. -Statutory EFU zone doesn't list cemeteries as a permitted or conditional use. -Each cemetery site needed to be put in a public zone through the exceptions process. -If a cemetery wanted to expand, the addition would need to be put in a public zone also. -This bill allows cemeteries to be a permitted or conditional use when in conjunction with a church.

200 SEN. SMITH: What do you think of the HB 2796-1 amendments EXHIBIT B?

205 NEVON: Is only aware of not-for-profit cemeteries. There shouldn't be a problem with the amendment if they don't get into the taxation issue.

214 CHAIR SPRINGER: How about pioneer cemeteries that aren't associated with a church?

216 NEVON: They would have to go through the exceptions process for changes since they aren't affiliated with a church.

PUBLIC HEARING & WORK SESSION HB 2329

239 MOTION:Sen. Timms moves SB 2329 to the floor, do pass.

VOTE:In a roll call vote the motion passes with 4 ayes; Senators Cohen, Gold and Kintigh were excused.

PUBLIC HEARING & WORK SESSION HB 2278-B

WITNESSES:Phil Ward, Department of Agriculture Bob Hawks, Department of Agriculture

267 PHIL WARD, Department of Agriculture, This bill shifts more of our regulatory efforts to a fee supported base, as requested by the Governor.

279 BOB HAWKS, Administrator of Commodity and Inspection Division, Department of Agriculture, Gives overview of his testimony in support of HB 2278-B EXHIBIT C

325 CHAIR SPRINGER: Clarifies who is considered a retail seed dealer.

331 SEN. TIMMS: Why, on the A-engrossed HB 2278, were the fee jumps so much smaller than the B-engrossed?

338 WARD: The A-engrossed was the first action of the House Agriculture Committee. It then went to Ways and Means where these further adjustments were made. The House Agriculture Committee Chair supported these changes.

345 SEN. TIMMS: Clarifies the process of the HB 2278-B. This is a fee increase to fill the Agriculture Department's budget.

WARD: Yes, this is one of the only fee increase bills that has passed the house at this time.

358 CHAIR SPRINGER: This goes to Ways and Means after this too. Mr. Powell who signed up this morning and isn't present, supports the Bill.

SEN. TIMMS: Where do these monies go?

380 HAWKS: We do both regulatory work for wholesale and retail seed industry. This is outlined in his testimony, EXHIBIT C.

394 SEN. TIMMS: This fee increase is strictly for the seed industry. It only funds their programs. -It is a large increase, before did the General Fund contribute?

HAWKS: Yes, it is strictly for the seed industry. In the current Biennium we received \$159,000 from the General Fund.

SEN. TIMMS: Isn't sure he wants to support HB 2278-B.

TAPE 214 SIDE A

003 SEN. BRENNEMAN: Suggests that he and Timms vote HB 2278-B out of committee with the option of voting no on the floor.

006 SEN. TIMMS: If it is for the seed industry and their program, and since they aren't opposed to it there isn't a problem, but he would like to reserve his right to vote no on the floor.

MOTION:Chair moves HB 2278-B to Ways and Means, no recommendation.

VOTE:In a roll call vote, the motion is adopted with 4 ayes; Senators Cohen, Gold and Kintigh are excused.

PUBLIC HEARING AND WORK SESSION ON HB 2148

WITNESSES:Bill Cook, Department of Forestry

022 BILL COOK, Contract Lands Coordinator, Oregon Department of Forestry, Submits and reads through testimony on HB 2148 EXHIBIT D. Informs the Committee that Gil Riddel with the Association of Oregon Counties had testified in favor of this in the past.

052 SEN. SMITH: If the Dept of Forestry wants to acquire a piece of land from a private owner, that land is off the tax rolls in the county?

058 COOK: No, It takes it off the tax rolls but 2/3 of the revenue generated from the land goes back to the County.

SEN. SMITH: Would it under private ownership?

064 COOK: Isn't familiar with taxation of private ownership.

066 SEN. SMITH: It would be a severance tax. So if no money is made on the acquired land, you can withhold your cost to acquire with the county's consent?

COOK: Yes, we can withhold from the revenues that would normally be distributed to them.

SEN. SMITH: Why do the counties like this?

070 COOK: Answers the question siting what was said in the House Agriculture Committee.

080 CHAIR SPRINGER: The bill goes to revenue; have you talked with Sen. Dukes?

087 COOK: No.

MOTION:Sen. Brenneman moves HB 2148 to revenue, do pass.

VOTE:In a roll call vote the motion is adopted with 4 ayes; Senators Cohen, Gold and Kintigh are excused. Chair Springer notes that the Department of Forestry were cooperative during Forest Practices.

CHAIR SPRINGER ADJOURN THE MEETING AT 6:15

EXHIBIT LOG:

A	-	Amendments to SB 692 - Staff - 3 pages	B-	Amendments to
HB 2796	- Staff	- 1 page	C	- Testimony on HB 2278-B - Bob Hawks -
1 page	D-	Testimony on HB 2148 - Bill Cook - 3 pages		

Submitted by: Reviewed by:

Jill Rader Peter Green Assistant Administrator