

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

May 25, 2005 Hearing Room C

8:30 A.M. Tapes 69 - 70

MEMBERS PRESENT: **Rep. Patti Smith, Chair**

Rep. Brian Boquist, Vice-Chair

Rep. Arnie Roblan, Vice-Chair

Rep. Terry Beyer

Rep. Chuck Burley

Rep. Mark Hass

Rep. Mac Sumner

STAFF PRESENT: **Patrick Brennan, Committee Administrator**

Jania Zeeb, Committee Assistant

MEASURES/ISSUES HEARD:

SJM 4 – Public Hearing and Work Session

SB 184 – Public Hearing

SB 191 – Public Hearing

SB 389A – Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 69, A

004 Chair P. Smith Calls the meeting to order at 8:43 a.m. and opens a public hearing on SJM 4

SJM 4 – PUBLIC HEARING

010 Sen. Charlie Ringo Senate District 17. Testifies in support of SJM 4. Discusses the importance of citizen access to public lands.

031 Dave Kelsey Testifies in support of SJM 4.

045 Chair Smith Closes the public hearing and opens a work session on SJM 4.

SJM 4 – WORK SESSION

048 Rep. Boquist **MOTION: Moves SJM 4 be sent to the floor with a BE ADOPTED recommendation.**

VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair P. Smith The motion CARRIES.

REP. ROBLAN will lead discussion on the floor.

061 Chair P. Smith Closes the work session on SJM 4 and opens a public hearing on SB 184.

SB 184 – PUBLIC HEARING

067 Patrick Brennan Committee Administrator. Summarizes SB 184.

077 Chuck Craig Oregon Department of Agriculture (ODA). Submits prepared testimony in support of SB 184 (**EXHIBIT A**), and informational material on the changes to SB 184 (**EXHIBIT B**). Discusses what the bill would do.

111	Rep. Boquist	Asks if the department consulted with the stakeholders on this issue.
113	Craig	Answers that the industry testified in favor of SB 184 in the Senate Environment and Land Use Committee.
114	Chair P. Smith	Asks Mr. Craig if he is aware of an amendment being drafted for SB 184.
116	Craig	Responds that he is not aware of any amendments.
117	Rep. Sumner	Asks if the measure would impair the ability of private property owners or amateur gardeners from purchasing fertilizers and soil amendments.
120	Craig	Responds that it does not, adding that it also allows the private landowner to find out what is in the product.
128	Rep. Boquist	Asks if the bill would result in manufacturers no longer shipping certain products to Oregon.
133	Matt Haines	ODA. Responds that such a situation has happened only in relation to one product and explains the situation.
144	Chair P. Smith	Closes the public hearing on SB 184 and opens a public hearing on SB 191.

SB 191 – PUBLIC HEARING

150	Patrick Brennan	Committee Administrator. Summarizes SB 191. Discusses the revised fiscal impact statement.
180	Dave Vant'hof	Governor's Natural Resources Office. Explains the changes that have been made to SB 191.
196	Bob Repine	Director, Oregon Housing Community Services Department (OHCSA). Submits prepared testimony regarding SB 191 and a report on the sustainability board (EXHIBIT C). Discusses the benefits of the Sustainability Board and the importance of maintaining the discussion on sustainability.

- 247 Bill Blosser Member, Sustainability Board. Discusses what the sustainability board views its efforts as doing (**EXHIBIT C, Page 2**). Talks about the key areas the board is focused on in order to bring value to the people of Oregon
- 294 Rep. Hass Inquires whether a fiscal impact statement is needed.
- 300 Blosser Responds that the board has no state funding, and is currently utilizing volunteers to function.
- 315 Chair P. Smith States that the committee has received a revised fiscal impact statement (**EXHIBIT J**) for SB 191.
- 328 Lynn Lundquist Oregon Business Association (OBA). Testifies in support of SB 191. Discusses the benefits of the Sustainability Board from the perspective of OBA. Comments that OBA believes that there is a competitive advantage to sustaining quality of life through environmentally sound business practices.
- 399 John Ledger Associated Oregon Industries (AOI). Discusses the history behind the original legislation that established the board. Comments on the importance of formally bringing the agricultural community into the process

TAPE 70, A

- 027 Chair P. Smith Closes the public hearing on SB 191 and opens a public hearing on SB 389-A.

SB 389A – PUBLIC HEARING

- 036 Patrick Brennan Committee Administrator. Summarizes SB 389-A. Discusses the –A4 amendments (**EXHIBIT D**), and –A5 amendments (**EXHIBIT E**).
- 061 Chair P. Smith Remarks that she is one of the sponsors of SB 389-A and she is in full support of the bill and amendments.
- 066 Jerod Broadfoot Safari Club International (SCI) “First for Hunters”. Testifies in support of SB 389A and the –A5 amendments. Talks about what SB 389-A does and states that hunting on the internet is not ethical and

		not a fair chase of animals. Remarks that SCI wants internet hunting banned.
097	Broadfoot	Discusses the –A5 amendments and what they would do. Comments on the problems that the ban on the use of dogs in the hunting of cougars has caused.
151	Broadfoot	Remarks that the –A5 amendments do not amend ORS 694, rather if an individual petitions their county, then the question can be brought before the voters of the county.
181	Broadfoot	Discusses the fact that the Oregon Department of Fish and Wildlife (ODFW) still has control over how many tags are released.
203	Rep. Hass	Asks which is more important to Mr. Broadfoot, the original bill or the –A5 amendments
206	Broadfoot	Responds that both are equally important.
211	Rep. Hass	Comments that adopting the amendments put the whole bill in jeopardy.
222	Broadfoot	Disagrees that the amendments jeopardize the legislation, and asserts that the amendment is not controversial.
233	Chair P. Smith	Adds that there were fifty co-sponsors to HB 2759, another bill dealing with hunting cougars with hounds.
235	Rep. Hass	States that it is a big enough issue that should be considered on its own merits separately from SB 389-A.
242	Rep. Burley	Asks how SB 389-A, without the –A5 amendments, would apply to Oregonians. Inquires if it would prohibit people from establishing businesses like the one in Texas in Oregon, or if it would prohibit Oregonians from accessing the site in Texas.
251	Broadfoot	Answers that there is no way to regulate what happens in Texas, so the measure seeks to ban the establishment of similar facilities in Oregon.
265	Rep. Burley	

Asks if a person would be in violation of this law if they were to access the site in Texas and shoot a weapon.

- 276 Broadfoot Responds that the person would not be in violation because the firearm is in the state of Texas.
- 290 Rep. Burley Refers to page 3 paragraph 19 of SB 389-A and asks why ODFW is exempted from the prohibition.
- 315 Broadfoot Gives an example of ODFW management and emphasizes the need to make sure ODFW has the flexibility to deal with the issue for management purposes.
- 360 Ron Anglin Wildlife Division Administrator, ODFW. Submits prepared testimony in support of SB 389-A (**EXHIBIT F**). Discusses why there is an exemption for ODFW in the bill.
- 414 Anglin States that the Department has not taken a position on the -A5 amendments.
- 421 Rep. Roblan Asks if the -5 amendments put any conditions on ODFW's management of the populations of these animals.

TAPE 69, B

- 011 Anglin Responds that the commission still has full authority to set seasons and the manner of take.
- 016 Rep. Sumner Requests confirmation that the department is not taking a position on the -A5 amendments.
- 018 Anglin Concurs.
- 020 Rep. Burley Inquires how much of ODFW's budget is funded by hunting license fees.
- 023 Anglin Responds by breaking down the Wildlife Division budget.
- 028 Rep. Burley Asks about the general trend with the populations of mule deer and elk in eastern Oregon.

030	Anglin	Answers that both species have been declining for a variety of reasons.
040	Rep. Burley	Inquires if ODFW has reduced the number of tags available.
041	Anglin	Answers affirmatively.
045	Sally Mackler	Sierra Club. Submits packet of informational material regarding hunting cougars with hounds (EXHIBIT G).
123	Mackler	Discusses the possibility of fiscal impact for the state if the –A5 amendments are adopted.
140	Mackler	Expresses concerns with the language in SB 389-A to solve the problem.
155	Mackler	Testifies in opposition to the -A5 amendments and states that the cost-benefit ratio is sufficient to cause Sierra Club to oppose the bill as amended with the –A5 amendments.
169	Rep. Burley	Asks why ORS 498.012 is highlighted in Ms. Mackler’s testimony (EXHIBIT G, Page 3).
172	Mackler	Discusses why the information was included.
205	Rep. Burley	Asks if Ms. Mackler is saying that under ORS 498.012 a landowner or producer can use hounds to hunt cougars on their own property to control damage.
215	Mackler	Concurs.
218	Rep. Burley	Questions whether that is explicitly stated in ORS 498.012.
230	Kelly Peterson	Humane Society of the United States (HSUS). Submits prepares testimony regarding SB 389 (EXHIBIT H) and informational material regarding hunting cougars with dogs (EXHIBIT I). States that a bill such as this should stand alone and the public should have the opportunity to testify on the issue.
266	Rep. Boquist	Asks what is being done by HSUS in regard to internet hunting.

269	Peterson	Answers that she does not know.
280	Rep. Burley	Comments that the numbers of cougars harvested has increased. Expresses concerns that as a result of predators, there have been significant declines in the populations of game animals in certain areas of the state. Refers to a report on the number of deer and elk in Yellowstone National Park. Asks how the state should handle the problem to prevent the decimation of game herds.
313	Mackler	Responds that it is unfortunate that the populations are experiencing decline, but there is no scientific research to support that predators are primarily responsible for the decline.
389	Rep. Burley	Comments that when Mr. Anglin discussed calf survival, he was not explicit on whether it was a birth issue or a survival problem, and many of them are preyed upon until they are up to two weeks old. Asks if the Sierra Club would support more active management to create better habitat and forage.
404	Mackler	Replies affirmatively.
420	Rep. Roblan	Expresses his concern with safety for those who are using the land for recreation. Asks for ideas in how to handle safety.

TAPE 70, B

024	Mackler	Responds that with rural areas will always have predators and there will always be conflicts. Remarks that there is no way to ensure there will not be conflicts.
051	Rep. Roblan	Recognizes that take has increase but has not increased with the growth of population. Asks how to maintain the ideal number of cougars as identified by ODFW.
062	Mackler	Responds that no one knows how many cougars are in Oregon. Remarks on media attention on the issue. Refers to the model ODFW uses to determine how many cougars are in the state.
080	Rep. Roblan	Agrees that using a model is a hard way to keep track of the number of cougars. States that the model could err both on the side of being too conservative and on the side of being too generous.

086	Mackler	States that as a rule large predators are self limiting and do not overrun the land like deer or elk.
090	Chair P. Smith	Inquires what the Sierra Club is doing to educate people about the cougar population.
094	Mackler	Responds that Sierra Club efforts do not receive much media attention, but that the organization tries to inform people through its own networks.
103	Rep. Burley	Refers to the cougar that is establishing its area in Bend. Comments that using dogs is a much more effective way of harvesting cougars, and it is important to get the population under control before a human is attacked and killed.
123	Mackler	Remarks that the management objective has been set and the kill quotas have been set and that both can be increased if need be. States that the law allows the use of dogs to handle a problem animal.
150	Al Elkins	Oregon Hunters Association. Testifies in support of SB 389-A. Discusses the history behind SB 389-A.
192	Elkins	Testifies in support of the –A5 amendments. States that the amendments allow people to exercise local control.
213	Ron Harder	National Rifle Association. Testifies in support of SB 389-A and discusses the benefits of the bill. States that something must be done with regard to the cougars and testifies in support of the –A5 amendments
244	Chair P. Smith	Closes the public hearing on SB 389A and opens a work session.

SB 389A – WORK SESSION

248	Rep. Boquist	MOTION: Moves to ADOPT SB 389 -A5 amendments dated 5/25/05.
251	Rep. Hass	Comments on the need to be practical and discusses the possibilities of what will happen if the bill is not amended or if it is amended. Expresses the fear that SB 389-A will be voted down as a result of the

amendments, and asserts that to be practical is to understand that the amendments put the bill in jeopardy. Comments on the possibility of introducing the –A5 amendments as a separate bill to live or die on it’s own merits.

278 Chair P. Smith Expresses a concern with the cougar population management in this state and the difficulty of addressing those issues.

284 Rep. Boquist Responds that he does not disagree with Rep. Hass regarding practicality, but practically speaking this is the only way to get a dialogue with the other parties that are involved.

295 Rep. Beyer Expresses agreement with Rep. Hass because these are two separate issues that should stand alone. Discusses her discomfort dealing with bears. Comments on her concern with losing the original bill.

318 Rep. Sumner States that he agrees with Rep. Hass in that it makes passage of the bill more problematic, but that does not excuse them from doing the right thing. Comments on the importance of controlling cougars as soon as possible.

325 VOTE: 6-1-0

AYE: 6 - Beyer, Boquist, Burley, Roblan, Sumner, Smith P.

NAY: 1 - Hass

Chair P. Smith The motion CARRIES.

335 Rep. Rep Boquist MOTION: Moves SB 389-A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-1-0

AYE: 6 - Beyer, Boquist, Burley, Roblan, Sumner, Smith P.

NAY: 1 - Hass

Chair P. Smith The motion CARRIES.

REP. BOQUIST will lead discussion on the floor.

377 Chair P. Smith Closes the work session on SB 389-A and adjourns the meeting at 10:30 a.m.

EXHIBIT SUMMARY

1. **A. SB 184, prepared testimony, Chuck Craig, 1 p**
2. **B. SB 184, prepared testimony, Chuck Craig, 2 pp**
3. **C. SB 191, informational material, Bob Repine, 16 pp**
4. **D. SB 389-A, -A4 amendments, staff, 1 p**
5. **E. SB 389-A, -A5 amendments, staff, 1 p**
6. **F. SB 389-A, prepared testimony, Roy Elicker, 1 p**
7. **G. SB 389-A, informational material, Sally Mackler, 7 pp**
8. **H. SB 389-A, prepared testimony, Kelly Peterson, 1 p**
9. **I. SB 389-A, informational material, Kelly Peterson, 5 pp**
10. **J. SB 191, fiscal impact statement, staff, 2 pp**