

**HOUSE COMMITTEE ON**  
**AGRICULTURE AND NATURAL RESOURCES**

June 1, 2005 Hearing Room C

8:30 A.M. Tapes 71 - 73

**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:**

**HB 3478 – Public Hearing**

**SB 844 A – Public Hearing**

**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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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<b>TAPE 71, A</b>		
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003 Chair P. Smith Calls the meeting to order at 8:37 a.m. and opens a public hearing on HB 3478.

**HB 3478 – WORK SESSION**

010 Patrick Brennan Summarizes HB 3478 and talks about what has been done. Refers to the -1 amendments (**EXHIBIT A**) and -2 amendments (**EXHIBIT B**), which were submitted by the Oregon Cattlemen’s Association; the -4 amendments (**EXHIBIT C**), which were submitted by the Safari Club International; the -5 amendments (**EXHIBIT D**), which were submitted by a work group on the bill; and the -6 amendments (**EXHIBIT E**), which were submitted by Defenders of Wildlife.

050 Roy Elicker Deputy Director, Oregon Department of Fish and Wildlife (ODFW). Submits prepared testimony (**EXHIBIT F**). Discusses the major changes that are made in the -5 amendments.

117 Katie Fast Oregon Farm Bureau (OFB). Testifies in support of HB 3478 as amendment with the -5 amendments. Comments on the importance of the compensation program.

134 Amaroq Weiss Defenders of Wildlife. Testifies in support of the -5 amendments. Discusses the process HB 3478 has gone through.

163 Al Elkins Oregon Hunters Association. Testifies in support of the -5 amendments.

169 Rep. Boquist Asks if the Defenders of Wildlife in full support the wolf management plan as it was adopted by the commission.

181 Weiss Answers that both the local and national organization are supportive of the wolf plan.

187 Rep. Boquist Expresses concern that the Defenders of wildlife will decide to not support HB 3478 once it passes.

193 Weiss Responds that Defenders of Wildlife has been active in the state for 25 years and comments on the development process both the management plan and the measure have gone through.

219 Rep. Boquist Comments on the compensation program. Asks what Defenders of Wildlife is willing to do in regard to compensation.

- 232 Weiss Gives information on the Bailey Wildlife Foundation Wolf Compensation Trust, the Defenders of Wildlife's compensation program. Discusses the benefits of a compensation program. Comments on how the compensation fund is set up.
- 297 Rep. Roblan Asks why each organization represented would rather have the -5 amendments than have nothing.
- 301 Elkins Answers by giving a history of the Oregon Hunters Association's view of HB 3478. Comments on the importance of having a management tool to deal with the wolves.
- 328 Fast Responds that wolves are arriving in Oregon whether they are wanted or not. Comments on the importance of having tools to deal with the wolves. States that it is better to be proactive and give legal tools to the landowner.
- 350 Elicker Remarks that it is the department's commitment to manage fish and wildlife. Asserts that if there are wolves then there need to be tools to manage them in order to prevent chaos.
- 367 Weiss Concurs with the comments of the other panelists.
- 371 Rep. Burley Comments on the concern with the impact of wolves on game mammals. Notes that Defenders of Wildlife was a plaintiff in the lawsuit in which Judge Jones issued his decision to relist wolves as endangered. Remarks that he is looking for assurance that the Defenders of Wildlife are not going to file another lawsuit. Asks how the organization will help expedite the downlisting and eventual delisting of the wolf in the state of Oregon.
- 404 Weiss Gives information on the federal law suit and how Defenders of Wildlife was involved. Remarks that her organization has been intimately involved in the process of the wolf management committee in Oregon. States that the organization is using the Oregon management plan as a model for other states and they have no intention of suing.

#### **TAPE 72, A**

- 025 Rep. Burley Comments that Oregon is part of the Western States Distinct Population Segment. Asks if it is possible to get the wolf downlisted in Oregon and how to go about doing that.

036	Weiss	Responds by explaining the concept of distinct population segments.
050	Weiss	Discusses the changes in the -6 amendments ( <b>EXHIBIT E, Page 5</b> ) and discusses what they would do.
100	Kemper McMaster	United States Fish and Wildlife Service (USFWS). Submits and reads prepared testimony on HB 3478 ( <b>EXHIBIT G</b> ).
136	Lindsay Ball	Director, ODFW. Makes himself available to answer questions.
139	Rep. Burley	Asks what USFWS is doing in light of Judge Jones' decision, especially in respect to the distinct population segments.
148	McMaster	Responds that he cannot tell the committee what is being done in response to the next steps in the lawsuit. Remarks that the law does not allow for delisting by state boundary. Gives information on how animals are listed and delisted.
166	Rep. Burley	Inquires if wolves in Minnesota are considered a distinct population segment.
169	McMaster	Responds that the exception for Minnesota was part of the original listing process and discusses why the exception was made.
175	Rep. Burley	Summarizes some of the options that have been discussed. Asks about the positive and negative aspects of each option and what kind of timeline is involved with each option.
187	McMaster	Gives information on Section 10a-01a. Comments on section 10a-01b and discusses the difference between the two permits.
217	McMaster	Discusses section 10j and the experimental population process, states that it takes five years. Comments on the section 6 process, summarizes what it is.
232	Rep. Burley	Asks if USFWS is authorized under section 6 to help pay for the management activities in the state.
237	McMaster	States that USFWS can help pay for management and comments on the process to get the money.

245	Rep. Burley	Comments on new rules that have been approved in Montana and Idaho. Asks if these types of rules are possible in the state of Oregon and, if so, what would Oregon have to do to get these types of rules.
256	McMaster	Responds that he was not aware that lethal take by private individuals was approved in those states and that the one approach legal counsel advises USFWS it cannot take is granting lethal take to individuals.
275	Rep. Burley	Remarks that under 10a-01a the state can use lethal take but the individual cannot. Asks how to get the wolf down listed in the state of Oregon.
289	McMaster	Comments that his opinion is that creating a conservation plan will help with downlisting and eventual delisting of the wolf.
298	Rep. Burley	Inquires if Oregon would then be at the mercy of the other states that are part of the western population segment.
299	McMaster	Concurs.
300	Rep. Boquist	Asks Mr. McMaster to comment on the current wolf management plan.
315	McMaster	Responds that it is an outstanding plan.
326	Rep. Boquist	Asks what Mr. McMaster's thinks the wolf classification should be.
337	McMaster	Responds that he is not aware of the technical word used. Comments that state wildlife entities are the proper organizations for managing resident wildlife within the states.
358	Rep. Boquist	Asks if there is any federal program that is providing compensation.
365	McMaster	Answers that he is not aware of a state paying compensation.
387	Chair P. Smith	Inquires about the first incident of livestock depredation that Mr. McMaster faced in Montana.
390	McMaster	Responds by giving information about the incident.

- 402 Rep. Burley Asks what would happen if this legislation is not passed.
- 416 McMaster Answers that USFWS believes that the designated Rocky Mountain Area is sufficient to move toward downlisting and eventually delisting.

**TAPE 71, B**

- 040 Chair P. Smith Inquires if the state manages the animals if it costs the state money rather than the federal government.
- 041 McMaster Concurs.
- 042 Chair P. Smith Asks if the wolves coming into Oregon are federally controlled.
- 043 McMaster Answers that it is a federally-listed species.
- 046 Chair P. Smith Comments that the state appears to be unable to manage cougars. Asks Director Ball how ODFW is going to manage wolves.
- 047 Ball Responds by commenting on how cougars are managed.
- 070 Glen Stonebrink Oregon Cattlemen's Association (OCA). Submits prepared testimony regarding HB 3478 (**EXHIBIT H**). Comments that the Cattlemen's Association was not included in the workgroup that drafted the -5 amendments.
- 141 Stonebrink Discusses concerns with the -5 amendments. States that the amendments do nothing for livestock producers, rather they make things worse.
- 191 Stonebrink Comments on a situation that he has seen in which a wolf could be taken.
- 249 Stonebrink Discusses OCA's opinion of the plan and delisting the wolves (**EXHIBIT H, Page 3**).
- 290 Stonebrink Reads parts of the letter from Legislative Counsel regarding the plan (**EXHIBIT H, Page 5**).

- 311 Chair P. Smith Recesses the meeting at 9:55 a.m.
- 323 Chair P. Smith Reconvenes the meeting at 10:00 a.m. and opens a public hearing on SB 844-A.

**SB 844-A – PUBLIC HEARING**

- 326 Patrick Brennan Committee Administrator. Summarizes SB 844-A.
- 335 Senator Ryan Deckert Senate District 14. Submits prepared testimony in support of SB 844-A (**EXHIBIT I**). Gives information on what has gone into the bill.
- 422 Rep. Hass Asks about the amendments to SB 844-A.

**TAPE 71, B**

- 012 Patrick Brennan Answers that the committee has the –A3 amendments (**EXHIBIT X**).
- 016 Sen. Deckert Summarizes what the –A3 amendments do.
- 041 Rep. Burley Asks if the registry of dogs is deleted from the bill with the –A3 amendments.
- 042 Sen. Deckert Responds that Rep. Burley is correct and comments on the reason.
- 054 Rep. Boquist Comments that the city and county ordinances will preempt SB 844-A, so it is not taking away local control.
- 060 Sen. Deckert Responds that any city and county dog ordinances will supersede that SB 844-A.
- 070 Lorraine Still National Animal Interest Alliance . Submits and reads prepared testimony in support of SB 844-A (**EXHIBIT J**).
- 150 Glen Stonebrink Oregon Cattlemen’s Association. Submits prepared testimony (**EXHIBIT K**). Expresses the concern with SB 844-A.

174	Gordon Fultz	Association of Oregon Counties (AOC). Discusses the impact of SB 844-A on rural counties. Comments on the costs counties could incur as a result of the measure.
198	Chair P. Smith	Expresses concern that what is being done in the rural counties is different than urban counties.
201	Mike Oswald	Multnomah County Animal Services. Testifies in support of SB 844-A, and comments on the value it has statewide. Testifies in support of the idea of improving public safety related to animals. States that Multnomah county has ordinances that addresses dangerous dogs.
260	Rep. Boquist	Asks if the issue of county exemption was raised on the senate side.
269	Fultz	Answers that it was.
285	Rep. Boquist	Comments that an ordinance is a simple answer. States that SB 844-A needs to be addressed, and time is running out.
293	Rep. Hass	Comments on his experience as a news reporter. States that dangerous dogs are a public safety issue and it is unreasonable for counties to want to not take action necessary to protect citizens.
311	Fultz	Responds that they are not trying to suggest that the legislature not pass a law dealing with dangerous dogs. Comments on the enforcement problems of SB 844-A.
324	Rep. Burley	Gives the example of his dog. Asks how animals will be declared potentially dangerous, and how owning a potentially dangerous dog would be punishable.
344	Oswald	Answers that there are two concepts, dangerous dogs and potentially dangerous dogs. Discusses the difference between the two types.
378	Rep. Burley	Remarks that there is no question regarding the dangerous dog, however there is a gray area in regard to potentially dangerous dogs.
397	Oswald	States that issue is something the parties to the bill are working through.



## **TAPE 73, A**

- 014 John Powell State Farm Insurance Companies; Oregon Sheriffs Association. Expresses concern that SB 844-A could have unintended consequences on homeowners insurance.
- 047 Chair P. Smith Inquires what was done in the state of Washington for underwriting.
- 048 Powell Responds that a bill in Washington similar to SB 844-A did not pass.
- 063 Marcia Keith Oregon Veterinary Medical Association. Submits prepared testimony in support of SB 844-A (**EXHIBIT L**).
- 082 Becky Maddock Union County. States that she sees a need for a state wide law dealing with animal control, because there are many counties in Oregon that have no animal control ordinances or personnel.
- 102 Sen. Deckert Addresses the concerns that were discussed in the meeting.
- 128 Chair P. Smith Closes the public hearing on SB 844-A and adjourns the meeting at 10:39 a.m.

## **EXHIBIT SUMMARY**

- A. HB 3478, -1 amendments, staff, 2 pp
- B. HB 3478, -2 amendments, staff, 2 pp
- C. HB 3478, -4 amendments, staff, 1 p
- D. HB 3478, -5 amendments, staff, 14 pp
- E. HB 3478, -6 amendments, staff, 14 pp
- F. HB 3478, prepared testimony, Roy Elicker, 2 pp
- G. HB 3478, prepared testimony, Kemper McMaster, 2 pp
- H. HB 3478, prepared testimony, Glen Stonebrink, 9 pp
- I. SB 844-A, prepared testimony, Sen. Ryan Deckert, 3 pp
- J. SB 844-A, prepared testimony, Lorraine Still, 2 pp
- K. SB 844-A, prepared testimony, Glen Stonebrink, 3 pp
- L. SB 844-A, prepared testimony, Marcia Keith, 1 p
- M. HB 3478, prepared testimony, Bret Brownscombe, 2 pp
- N. HB 3478, prepared testimony, Craig Ely, 2 pp
- O. HB 3478, prepared testimony, Craig Ely, 3 pp
- P. HB 3478, prepared testimony, Robert Riggs, 2 pp
- Q. HB 3478, prepared testimony, Ken Hall, 1 p

- R. **HB 3478, prepared testimony, Hans Radike, 1 p**
- S. **HB 3478, prepared testimony, Bret Michalski, 1 p**
- T. **HB 3478, prepared testimony, Warren Aney, 1 p**
- U. **HB 3478, prepared testimony, Bret Brownscombe, 4 pp**
- V. **HB 3478, prepared testimony, Bob Lund, 2 pp**
- W. **SB 844-A, prepared testimony, Clif Kenagy, 1 p**
- X. **SB 844-A, -A3 amendments, staff, 18 pp**