

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

February 13, 2003 Hearing Room HR D  
1:00 PM Tapes 25 - 26

**MEMBERS PRESENT:**        **Rep. Jeff Kropf, Chair**  
                                  **Rep. George Gilman, Vice-Chair**  
                                  **Rep. Kelley Wirth, Vice-Chair**  
                                  **Rep. Terry Beyer**  
                                  **Rep. Dave Hunt**  
                                  **Rep. Donna Nelson**  
                                  **Rep. Patti Smith**

**STAFF PRESENT:**        **Ray Kelly, Committee Administrator**  
                                  **David Peffley, Committee Assistant**

**MEASURES HEARD:**        **HB 2209 - Public Hearing**  
                                  **HB 2241 - Public Hearing and Work Session**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 25, A</b>		
003	Chair Kropf	Calls the meeting to order at 1:12 and opens a public hearing on HB 2209.
<b>HB 2209 – PUBLIC HEARING</b>		
026	Ray Kelly	Explains HB 2209.
037	Ron Anglin	Wildlife Division Administrator, Oregon Department of Fish and Wildlife (ODFW). Submits <b>(EXHIBIT A)</b> in support of HB 2209 which is designed to give ODFW the ability to take wildlife from the area in order to deal with disease control.
061	Rep. Nelson	Asks the witness to confirm that this legislation is effective only for wildlife and not for private property.
064	Anglin	Responds that the case of enforcement on private property could only come about with the consent of the owner.
073	Rep. Nelson	Asks if ODFW will be contracting aircraft or whether they have their own.
075	Anglin	States that ODFW doesn't own any aircraft.
081	Rep. Nelson	Asks if they might consider using military aircraft.
084	Anglin	Responds that military craft in not suitable for their needs.
092	Rep. Hunt	Asks if ODFW is supportive of the upcoming amendments.
094	Anglin	States that they are.
100	Rep. Nelson	Asks if there is any money designated for flight in ODFW's budget.
105	Anglin	Responds that there isn't. States that this would come from their general fund.
115	Rep. Nelson	Asks if they have a plan in the event of a terrorist act.

126	Anglin	States that he'd be happy to discuss that with Rep. Nelson.
132	Chair Kropf	Remarks that the state veterinarian has a rapid response team which could be used to address an outbreak.
137	Rep. Wirth	Asks what is encompassed in the definition of <i>wildlife management activities</i> .
141	Anglin	Points to disease management as an example of the term. Also refers to research techniques.
160	Rep. Wirth	Asks if substituting the words <i>no person shall</i> to <i>a person shall not</i> changes the meaning of the statute.
173	Anglin	States the legal reasons behind substituting the new language.
178	Martin Taylor	Sierra Club of Oregon. Gives the perspective of the Sierra Club on HB 2209. Points out previous concerns with this bill, but affirms that they've overcome these concerns and wholeheartedly support HB 2209.
223	Rep. Wirth	Asks if the aforementioned language in the amendment waters down the bill.
231	Taylor	States that he really does not know, not having a legal background.
236	Rep. Wirth	Asks if the remaining language would allow ODFW to do their job effectively.
243	Taylor	Emphasizes his support for ODFW's agenda.
270	Chair Kropf	Hands out the -1 amendments ( <b>EXHIBIT B</b> ).
276	Ray Kelly	Discusses the -1 amendments to HB 2209.
300	Taylor	Affirms that the Sierra Club is comfortable with the proposed amendments.
315	Chair Kropf	Asks Taylor if the Sierra Club has a problem with allowing ODFW to conduct wildlife management and scientific research activities.
321	Taylor	Reiterates that he has no concern and supports the wording.
330	Rep. Nelson	Voices her concern with the amendments. Asserts that the word <i>tracking</i> should be included along with hunting.
367	Taylor	Underscores his understanding that ODFW already has the authority to track.
379	Anglin	Confirms that ODFW already has the jurisdiction to track, in response to the concerns of Rep. Nelson.
396	Rep. Nelson	Inquires as to whether ODFW is really doing research when they kill an elk.
402	Anglin	Responds to the rare instances in which they would have to take such action.
<b>TAPE 26, A</b>		
002	Rep. Hunt	Asks Anglin to confirm the wording in the amendment.
008	Anglin	Confirms Rep. Hunt's assertion.
014	Rep. Hunt	Asks for clarification on the language on Lines 3-12
018	Taylor	Replies that the language precludes other uses.
026	Chair Kropf	Reasserts that ODFW's mission is broader than just scientific research. States concern with constraining ODFW through restrictive language in the bill.
037	Anglin	Reaffirms that ODFW finds the language to be acceptable.
041	Rep. Nelson	Asks who included the language in the first place.
044	Anglin	Affirms that ODFW drafted the language.
045	Rep. Nelson	Suggests alternate language for the bill.
050	Anglin	States that they wouldn't necessarily object to that language, but that the present language is designed to remove some of the potential controversy from the bill.

059	Rep. Nelson	Also asserts that language on relocation should be included in the bill.
078	Anglin	Expresses appreciation for her concern. States confidence that there would be no problem conducting such operations.
088	Chair Kropf	Asks for a definition of what wildlife management activities entail.
094	Anglin	Responds to the specific direction inherent in rules.
103	Chair Kropf	States concern that the wording of the amendment could lead to a further legislative quagmire.
127	Anglin	Affirms that possibility.
130	Rep. Wirth	Points out the definition of the word <i>manage</i> in ORS 496.004
140	Ray Kelly	Looks to clarify the definition of <i>wildlife management</i> from the ORS.
195	Rep. Nelson	States a hypothetical situation and states opposition to this amendment. Restates her opinion as to what she believes the amendment should say.
238	Anglin	States the reasons for the necessity of the eight-hour clause in this legislation.
273	Rep. Nelson	Rephrases what she believes Line 7 should say.
304	Al Elkins	Oregon Hunters Association. Also questions the language in the amendment. Asserts that conducting scientific research is not significant.
336	Chair Kropf	Asks Elkins if he believes that the language, <i>conducting wildlife activities</i> might actually prevent those activities from taking place.
340	Elkins	Replies that the term is too vague
360	Rep. Hunt	Believes that the protecting wildlife clause would address the problem. Asks if there is something that would not be covered in this definition.
371	Elkins	Restates his discomfort regarding scientific research fitting both A and B.
388	Chair Kropf	Asks for a clarification on Line 11.
400	Brendan McCarthy	Legislative Council. Believes that A and B fall under the umbrella of scientific research.

**TAPE 25, B**

001	Rep. Wirth	Asks if she is correct in understanding the intent of the amendment.
017	McCarthy	Refers to Line 19 and confirms Rep. Wirth's assumption.
025	Rep. Nelson	Reaffirms her belief that this statute does not allow for a myriad of important rights for ODFW.
070	McCarthy	Restates the general meaning and genesis of the bill in response to Rep. Nelson's concern.
082	Elkins	Restates the Oregon Hunter's concern with the scientific research provision.
094	Chair Kropf	Asks for all parties to accommodate these concerns and bring the bill back when those concerns have been addressed. Closes the public hearing on HB 2209 and opens a public hearing on HB 2241.

**HB 2241 – PUBLIC HEARING**

109	Ray Kelly	Explains HB 2241.
116	Lori Makinen	Veterinary Medical Examining Board. States that this is merely a housekeeping bill and that they've been autonomous from DHS since 1975.
134	Chair Kropf	Asks the witness to confirm the true intention of this bill.

138	Makinen	Confirms the intention.
140	Rep. Hunt	Asks if there will be any fiscal impact on the bill.
144	Makinen	Responds that there should be no conflict or expenditure.
151	Ray Kelly	Attests to a minimal expenditure from legislative fiscal.
155	Rep. Nelson	Asks where the money will come from to pay for this.
160	Makinen	States that there is no money involved. Affirms that the veterinarians are self-sufficient.
169	Rep. Nelson	Asks the witness to define the practice of veterinarian science.
178	Makinen	Describes the make up of the board of directors.
186	Rep. Nelson	Asks for clarification on veterinarians.
194	Chair Kropf	Closes the public hearing on HB 2241 and opens a work session on HB 2241. Smith moves with Do Pass.

**HB 2241 - WORK SESSION**

<b>200</b>	<b>Rep. P. Smith</b>	<b>MOTION: Moves HB 2241 to the floor with a DO PASS recommendation.</b>
205	Rep. Beyer	Asks to put HB 2241 on the consent calendar.
<b>207</b>	<b>Rep. Smith</b>	<b>Withdraws motion.</b>
<b>209</b>	<b>Rep. P. Smith</b>	<b>MOTION: Moves HB 2241 be placed on the CONSENT CALENDAR.</b>
<b>213</b>		<b>VOTE: 7-0</b>
<b>214</b>	<b>Chair Kropf</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
215	Chair Kropf	Closes the public hearing on HB 2241 and adjourns the meeting at 2:35.

**EXHIBIT SUMMARY**

**A – HB 2209, written testimony, Ron Anglin, 2 pp.**

**B – HB 2209, -1 amendment, staff, 1 p.**