

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

March 27, 2003 Hearing Room D
1:00 PM Tapes 50 – 51

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

MEASURE/ISSUES HEARD: HB 3308 – Public Hearing
 HB 2416 – Public Hearing
 HB 3123 – Public Hearing and Work Session
 HB 3132 – Public Hearing
 HB 2344 – 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.

TAPE/#	Speaker	Comments
TAPE 50, A		
003	Chair Kropf	Calls the meeting to order at 1:39 and opens a public hearing on HB 3308. Announces that HB 3308 will be amended.
<u>HB 3308 - PUBLIC HEARING</u>		
020	Ray Kelly	Committee Administrator. Summarizes HB 3308. Announces - 1 amendment (EXHIBIT A).
031	Senator Atkinson	Speaks to his bill and against Section 7. Informs the committee on the success of the Crater Lake license plate.
055	Chair Kropf	Talks about the expectations of this bill.
068	Hilary Abraham	The Nature Conservancy. Submits (EXHIBIT B) and testifies regarding HB 3308. Requests that this bill be sent to a work group and to help with the legal counsel.
135	Rep. Gilman	Addresses Section 7 of the bill and states that it is not a good source for money.
141	Abraham	Agrees with Rep. Gilman.
146	Steve West	Klamath County Commissioner. Testifies against Section 7 and hopes that a different proposal would come forth as to how to fund the noxious weed problem.
200	Tim Butler	Oregon Department of Agriculture (ODA). Affirms Abraham's overview of the noxious weed task force. Affirms ODA's ongoing efforts to support the noxious weed plan.
239	Chair Kropf	Asks how much money we need to fix the problem.
241	Butler	Replies that we need about \$8 million.

251	Rep. Beyer	Asks if this is a problem which will eventually abate.
260	Butler	States that it can improve, but that we need a stable base of funding. Notes that cost prevention programs can keep the problems in check.
275	Chair Kropf	Recommends a task force and suggests Butler come back with a power-point presentation during the next hearing on this bill.
288	Rep. Nelson	Asks Butler to show proof of the 33-1 ratio.
297	Butler	States that he'd be happy to.
301	Keith Leavitt	Port of Portland. States appreciation for the funding mechanisms of this bill and recommends looking for something competitive. Wishes to work on an amendment to this bill.
335	Chair Kropf	Asks if there are noxious weeds which come via the port.
338	Leavitt	States that is a safe assumption.
340	Rep. Nelson	Asks for a clarification on the surcharge.
345	Leavitt	Defines the surcharge.
368	Rep. Nelson	Rephrases her question.
371	Leavitt	States the bill draft needs to be cleaned up.
390	Rep. Nelson	Responds to not unloading from any other vehicle at another port.
391	Chair Kropf	Notes trying to decrease the influx of weeds coming into port.
393	Chris Jarmer	Oregon Forest Industries Council (OFIC). Reaffirms how invasive noxious weeds can be, such as scotch broom.
411	Mark Simmons	Oregon Association of Nurserymen. Supports the notion that this is a serious problem, but does not support HB 3308 as written.
452	Chair Kropf	Closes a public hearing on HB 3308 and opens a public hearing on HB 2416.

TAPE 51, A

HB 2416 – PUBLIC HEARING

020	David Schmierbach	State Police Forensics Division. Submits (EXHIBIT C) and testifies against what he considers a very incomplete definition of science.
048	Chair Kropf	Asks about the issue of expert opinion.
053	Schmierbach	Notes the discussion was to seek our legal counsel and determine whether counsel was giving the same information.
056	Rep. Nelson	Asks where the term discovery comes from.
058	Schmierbach	Responds out of a college text in division headquarters.
063	Rep. Nelson	Asks what kind of book.
065	Schmierback	Answers a general science text.
067	Rep. Beyer	Asks if the bill or the -1 amendments are being addressed.
068	Chair Kropf	Announces the -1 amendment (EXHIBIT D) , and states that counsel is not in favor of the amendments in the present state. Closes public hearing on HB 2416 and opens a public hearing on HB 3123.

HB 3123 – PUBLIC HEARING

085	Ray Kelly	Summarizes HB 3123.
100	Katie Fast	Supports (EXHIBIT E) and testifies in favor of HB 3123. States the benefits of this legislation.
129	Rep. Wirth	Asks why this legislation was originally passed.
133	Fast	Answers that animal welfare groups put pressure on USDA to move to a less sensitive area.
142	Rodger Huffman	Administrator, Animal Health and Identification Division, Oregon Department of Agriculture (ODA). Notes the place on the cattle where they are being branded is not the greatest but an

177	Chair Kropf	acceptable one. Close the public hearing on HB 3123 and opens a work session on HB 3123.
<u>HB 3123 – WORK SESSION</u>		
178	Rep. Smith	MOTION: Moves HB 3123 to the floor with a DO PASS recommendation.
179	Chair Kropf	VOTE: 7-0 Hearing no objection, declares the motion CARRIED. REP. SMITH will lead discussion on the floor.
179	Chair Kropf	Closes the work session on HB 3123 and opens a public hearing on HB 3132.
<u>HB 3132 – PUBLIC HEARING</u>		
RECESSES		
182	Chair Kropf	Reopens the committee meeting.
185	Rep. Zauner	Submits (EXHIBIT F) and (EXHIBIT G) and testifies that the trumpeter swan is a predatory game bird.
228	Chair Kropf	Asks if the swans are predatory and whether that allows Oregon Department of Forestry and Wildlife (ODFW) to manage them differently.
231	Rep. Zauner	Answers that it will allow the farmer to protect his land.
238	Chair Kropf	Notes that there has never been a tundra swan hunt.
241	Rep. Zauner	Answers that is correct.
255	Rep. Wirth	Asks Rep. Zauner about his understanding of Federal Laws in relationship to the swans.
259	Rep. Zauner	Notes there is an overlay where some things can not be done.
265	Chair Kropf	Declares a conflict of interest.
290	Ron Anglin	Submits (EXHIBIT H) and testifies as a neutral party regarding the federal regulations regarding this legislation. Talks about the classification and designation of trumpeter swans.
345	Eric Rickerson	Testifies as a neutral party submitting written testimony (EXHIBIT I) and offers background information on the biology relevant to the case of the trumpeter swan.
389	Chair Kropf	Asks about the effect of reclassification.
400	Rickerson	Responds to the effect.
TAPE 50, B		
002	Chair Kropf	Clarifies that the status allows for damage take.
006	Rickerson	Answers that is correct.
008	Chair Kropf	States that the federal government could decide that this is not as big a problem as with geese and that it would not merit allowing take.
014	Rickerson	Answers that would be their option.
024	Rep. Nelson	Asks if there are any economic damage provisions to deal with predators.
031	Anglin	Asks for clarification.
033	Rep. Nelson	Restates.
037	Anglin	Speaks to the broad authority of ODFW.
044	Rep. Wirth	Asks for the time estimate for the process.
048	Rickerson	Answers that the time frame could be between eighteen to thirty-six months.
055	Rep. Wirth	Asks how much of a problem it would be if the state passed a distinction between bird and game until the study was completed.
063	Rickerson	States that confusion could ensue.

082	Rep. Nelson	Asks if there is any common practical sense.
100	Anglin	States that Oregon Department of Forestry and Wildlife has authority
105	Rep. Nelson	Asks if we've ever done a study and then declared an emergency in this state.
121	Chair Kropf	Asks what the process was in getting an environmental impact on the geese causing depredation issues in the valley and how long it took.
130	Rickerson	Answers that it took a great deal of effort in the Willamette Valley.
136	Rep. Nelson	Comments on the State of Oregon in relation to international standards.
140	Chair Kropf	Closes the public hearing on HB 3132 and asks for opinions on this concept.
151	Rep. Nelson	States the need to move forward.
154	Chair Kropf	States the need for Oregon to petition the federal government for an Environmental Impact Study (EIS).
166	Rep. Beyer	Responds negatively to the practice of shooting swans.
170	Rep. Wirth	States concern for passing a state law.
176	Rep. Nelson	Notes to move the bill forward and asks about rabid swans.
182	Chair Kropf	Reopens the public hearing on HB 3132.

HB 3132 – PUBLIC HEARING

190	Rickerson	States the need to work with the ODFW.
196	Chair Kropf	Asks if the goose predation issue is that which is covered in the Migratory Bird Act.
200	Rickerson	Answers in the affirmative.
225	Chair Kropf	Asks if there was an improper message sent in the past.
230	Rickerson	Answers that he doesn't think that there was, and replies that ODFW had a good system in place working with the landowners and OFB.
244	Chair Kropf	Asks what the effect would be if we don't reclassify.
251	Rickerson	States that the Rep. Zauner would be included in any discussions on how it is being addressed.
260	Rep. Zauner	States that he's he is willing to work with ODFW. Also notes that hunting scares geese away.
289	Chair Kropf	Closes the public hearing on HB 3132.
292	Rep. Gilman	Notes that he's not sure this bill will solve the problem.
299	Chair Kropf	Closes a public hearing on HB 3132 and opens a public hearing on HB 2344.

HB 2344 – PUBLIC HEARING

312	Chair Kropf	Addresses the -1 amendment (EXHIBIT J).
369	Bill Kluting	Western Counsel of Industrial Workers. Speaks in favor of HB 2344. Addresses the fire problem and saving mills from closing.
450	Rep. Nelson	Asks if it is customary to save the salvage.
TAPE 51, B		
003	Kluting	Replies that in trying to maintain the forests, we could end up in the court process.
014	Kluting	Addresses the economic condition of the state.
021	Rep. Nelson	Asks if this issue started with the spotted owl.
	Kluting	Replies that it started there.
027	Chair Kropf	Asks to look over the amendments and adjust them further.
032	Rep. Wirth	Asks about fiscal impact of the amendment.
040	Rep. Nelson	Asks why this isn't practical.

044	Chair Kropf	Discusses the task force.
058	Chair Kropf	Closes the public hearing on HB 2344 and adjourns the committee meeting at 3:10.

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EXHIBIT SUMMARY

- A – HB 3308, -1 amendments, staff, 1 p.**
- B – HB 3308, written testimony, Hilary Abraham, 2 pp.**
- C – HB 2416, written testimony, David Schmierbach, 1 p.**
- D – HB 2416, -1 amendments, staff, 1 p.**
- E – HB 3123, written testimony, Katie Fast, 1 p.**
- F – HB 3132, written material, Rep. Zauner, 3 pp.**
- G – HB 3132, written testimony, Rep. Zauner, 1 p.**
- H – HB 3132, written testimony, Ron Anglin, 3 pp.**
- I – HB 3132, written testimony, Eric Rickerson, 2 pp.**
- J – HB 2344, -1 amendments, staff, 2 pp.**