

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

April 08, 2003 Hearing Room D
1:00 PM Tapes 59 - 62

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 2258 – Public Hearing and Work Session**
 HB 3551 – Work Session
 HB 3125 and HB 3126 – Public Hearing
 HB 3075 – Public Hearing
 HB 2416 – Work Session
 HB 3552 – Public Hearing
 HB 2893 – 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 59, A		
004	Chair Kropf	Calls the meeting to order at 1:09 PM and announces the schedule for the day. Opens a public hearing on HB 2258.
<u>HB 2258 – PUBLIC HEARING</u>		
034	Ray Kelly	Committee Administrator. Summarizes HB 2258 and announces the -1 amendments (EXHIBIT A).
041	Ron Anglin	Simply states support for HB 2258 as introduced.
047	Chair Kropf	Closes the public hearing on HB 2258 and opens a work session on HB 2258.
<u>HB 2258 – WORK SESSION</u>		
048	Rep. Gilman	MOTION: Moves HB 2258 to the floor with a DO PASS recommendation.
051		VOTE: 6-0
		EXCUSED: 1 – Nelson*
053	Chair Kropf	Hearing no objection, declares the motion CARRIED. GILMAN will lead discussion on the floor.
<u>HB 3551 – WORK SESSION</u>		
060	Rep. Hunt	MOTION: Moves HB 3551 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by prior reference.

064

VOTE: 7-0

067

Chair Kropf

EXCUSED: 1 – Nelson*

070

Chair Kropf

Hearing no objection, declares the motion CARRIED.

Closes the work session on HB 3551 and opens a public hearing on HB 3125 and HB 3126.

HB 3125 and 3126 – PUBLIC HEARING

080

Rep. Greg Smith

Co-sponsor of HB 3125 and 3126. Discusses problems with grey wolves in Oregon and their threat to life and property. Displays constituent e-mail concerned with the wolf and public safety.

180

Chair Kropf

Opens a public hearing on HB 3075 to be heard concurrently with HB 3125 and HB 3126 en bloc.

HB 3125, 3126, and 3075 – PUBLIC HEARING

189

Rep. Butler

Testifies in favor of HB 3075, 3125, and 3126 in order to remove grey wolves from the State Endangered Species Act (ESA).

212

Glen Stonebrink

Oregon Cattlemen Association (OCA). Submits **(EXHIBIT B)** and testifies in favor of all three bills, as wolf populations pose a great risk to humans and to property. Adds that the wolf was erroneously listed according to the ESA in the first place.

390

Chair Kropf

Asks about the species grandfathered in 1987 and a potential management plan.

402

Stonebrink

States that a management plan is not necessary and speaks to the protection of species.

410

Chair Kropf

Speaks to the costs of the program.

423

Stonebrink

Responds that these figures are approximate and based upon the precedents of other states.

430

Rep. Wirth

Asks how much wolves cost the state in livestock kills.

433

Stonebrink

States that he can not testify to a figure specific to Oregon due to differing circumstances.

TAPE 60, A

012

Rep. Wirth

Asks if other predators could be causing some of the problems.

015

Stonebrink

Also cites bears, cougars, coyotes.

021

Rep. Hunt

Asks why ODFW has not taken the action to delist the wolves.

026

Stonebrink

States that ODFW doesn't make that decision.

048

Rep. Hunt

Asks about the outcome of the conversation with the Governor's office.

054

Stonebrink

Suggests that the Governor's office has not been very cooperative.

070

Jerod Broadfoot

Affirms support for HB 3075 and HB 3125 in order to address the serious predation problem in Oregon. States that this legislation can cut the \$2 million management plan.

130

George Hutchinson

Southern Oregon Forest Coalition. Testifies against HB 3075, HB 3125, and HB 3126. Reads testimony from The Oregonian supporting his opposition to these bills.

190

Rep. Smith

Asks where the poll came from which Hutchinson referenced.

192

Hutchinson

States that he doesn't recall where the poll came from, but will reproduce it for the committee.

196

Rep. Gilman

Asks how we will pay for damage from wolves.

200

Hutchinson

Replies that Defenders of Wildlife will expand their successful Rocky Mountain States program to Oregon to compensate for wolf kills.

212

Rep. Gilman

States that he'd like to see some proof.

218

Chair Kropf

Recesses the meeting.

219

Chair Kropf

Reconvenes the meeting and opens a work session on HB 2416, while the other three bills remain open.

The following prepared testimony is submitted for the record without public testimony for HB 3125, HB 3126, and HB 3075.
Jim Welsh

Submits **(EXHIBIT V)**.

HB 2416 – WORK SESSION

224	Chair Kropf	Calls invited testimony.
225	Rep. Close	Testifies that the definition of science will not harm law enforcement. (EXHIBIT C)
250	Stonebrink	OCA. States that getting rid of bogus science will save us much money.
266	Rep. Close	States the effect of the -1 amendments (EXHIBIT D) .
270	Chair Kropf	Closes the public hearing on HB 2416, HB 3125, and HB 3126.

HB 3075 – PUBLIC HEARING

300	Ron Anglin	Oregon Department of Fish and Wildlife (ODFW). Submits (EXHIBIT E), (EXHIBIT F), (EXHIBIT G), (EXHIBIT H), and (EXHIBIT I) and testifies as to ESA delisting and compliance as it relates to three bills dealing with the grey wolf.
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TAPE 59, B

020	Rep. Wirth	Asks Anglin if the estimate of five hundred and seventy-five wolves in Oregon is accurate.
026	Anglin	Says that there are presently no wolves in Oregon now.
030	Rep. Wirth	Points out that the SMS states that five hundred and seventy-five exist.
034	Anglin	States that the recovery area is in Idaho, Montana, and Wyoming.
040	Rep. Wirth	Asks why we have a law for wolves if there are no wolves.
042	Anglin	Replies that it's probably preventative.
048	Rep. Wirth	Asks for confirmation that there are no wolves and therefore no direct threat.
050	Anglin	Restates that as far as ODFW knows, there are none.
050	Chair Kropf	Adds that a few have strayed from Idaho.
056	Anglin	Reaffirms the Chair and expresses concern that more could follow.
058	Rep. Nelson	Asks who will be liable in the case of a wolf crossing over and causing harm.
075	Anglin	States that they must work within the federal ESA guidelines, and that the federal government would be burdened with liability.
089	Chair Kropf	Asks about the management plan currently under consideration. Asks if the department has discussed compensation.
098	Anglin	States that they have not.
107	Chair Kropf	Asks why we don't write management plans for all species.
115	Anglin	States that they'd like to, but that they have neither the manpower nor the budget.
127	Chair Kropf	Speaks to management plans regarding all endangered species and notes that sound policy should dictate decision-making.
144	Anglin	Recognizes that they need to address all the problems and hope to address the plans.
152	Rep. Gilman	Asks if the state ESA and the federal ESA are the same regarding the killing of threatening wildlife.
160	Anglin	Addresses the two ESA laws.
168	Rep. Nelson	Asks if there are matching funds available.
170	Anglin	Speaks to the 25% match.
176	Rep. Nelson	Asks about determining factors for delisting species from the ESA.
181	Anglin	Speaks to criteria for addressing delisting.

195	Rep. Hunt	Asks what downlisting refers to.
199	Anglin	Speaks to the different statuses related to downlisting.
204	Rep. Hunt	Asks about the ending timeline.
212	Anglin	States that they'd like to have the plan ready in late 2004.
235	Greg Addington	Oregon Farm Bureau (OFB). Submits (EXHIBIT J) and speaks with general support for the three wolf-related bills. Specifically addresses HB 3075 in order to allow ranchers and farmers to legally protect their property.
322	Al Elkins	Oregon Hunters Association (OHA). States OHA's concern that although wolves may not be here now, it is inevitable that they will be. Asserts that a proactive approach is important.
350	Rep. Nelson	Asks if the witnesses have spoken with legal counsel regarding liability.
354	Addington	Responds that he hasn't.
364	Elkins	Responds that they have had discussions.
367	Addington	States concern for the potential fiscal impact.
405	Dr. Bob Beschta	Submits (EXHIBIT K) and speaks against HB 3075 and testifies that wolves' threat to humans and property are overstated.

TAPE 60, B

013	Dr. Beschta	Continues testimony in opposition to HB 3075. Acknowledges the work done by ODFW. Stresses that the three pieces of legislation are very counterproductive to wolf management.
066	Chair Kropf	References Dr. Beschta's written testimony and asks about wolf attacks on humans.
071	Dr. Beschta	Reaffirms that there have not been any attacks that he knows of.
086	Chair Kropf	Asks Beschta if he believes in the evidence that wolves attack humans.
091	Dr. Beschta	Addresses zero tolerance and encourages the committee to look at the scientific evidence.
103	Chair Kropf	Asks Beschta how wolves can aid riparian ecosystems.
108	Dr. Beschta	States that they're necessary to thin the elk populations which harm cottonwood populations.
128	Chair Kropf	Mentions the fire.
129	Beschta	Mentions that its an independent issue.
138	Roger Huffman	Oregon Department of Agriculture (ODA). Addresses ODA's contribution to wildlife management practices and ESA requirements.
197	Chair Kropf	Closes the public hearing on HB 3075 and recesses the meeting.
201	Chair Kropf	Reconvenes the meeting and entertains a motion to suspend the rules for the purpose of allowing Rep. Nelson to vote on HB 3551 and HB 2258.
204	Rep. Gilman	MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Nelson to vote aye on HB 3551 and HB 2258.
		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.

206 Chair Kropf
HB 3551 – WORK SESSION

209	Chair Kropf	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. NELSON to BE RECORDED as voting AYE on the motion to move HB 3551 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by
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217	Chair Kropf	prior reference. Closes the work session on HB 3551 and opens a work session on HB 2258.
<u>HB 2258 – WORK SESSION</u>		
220	Chair Kropf	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. NELSON to BE RECORDED as voting AYE on the motion to move Moves HB 2258 to the floor with a DO PASS recommendation.
222	Chair Kropf	Closes the work session on HB 2258 and recesses the meeting.
223	Chair Kropf	Reconvenes the meeting and opens a work session on HB 2416.
<u>HB 2416 – WORK SESSION</u>		
226	Rep. Nelson	MOTION: Moves to ADOPT HB 2416-1 amendments dated 03/05/03.
228		VOTE: 6-0
		EXCUSED: 1 - Wirth
229	Chair Kropf	Hearing no objection, declares the motion CARRIED.
236	Rep. Nelson	MOTION: Moves HB 2416 to the floor with a DO PASS AS AMENDED recommendation.
237	Rep. Hunt	States opposition to this restrictive law.
247	Rep. Beyer	Asserts this legislation to be unnecessary.
253	Rep. Nelson	Asserts that this is a very good bill which will bring credibility to the legislature.
277		VOTE: 4-2 AYE: 4 - Gilman, Nelson, Smith P., Kropf NAY: 3 - Beyer, Hunt EXCUSED: Wirth*
284	Chair Kropf	The motion CARRIES. REP. CLOSE will lead discussion on the floor.
302	Chair Kropf	Closes the work session on HB 2416 and passes the gavel to Vice-Chair Gilman.
304	Vice-Chair Gilman	Opens a public hearing on HB 3552.
<u>HB 3552 – PUBLIC HEARING</u>		
306	Ray Kelly	Summarizes HB 3552.
314	Kristina McNitt	Small Woodlands Association. Submits (EXHIBIT L) and testifies in support of HB 3552 as vital to small woodlands.
380	Sara Leiman	General Manager, Coast Range Conifers LLC. Submits (EXHIBIT M) and testifies in support of HB 3552 in order to preserve family farming.
TAPE 61, A		
007	Leiman	Concludes testimony in support of HB 3552.
055	McNitt	States the desire to wordsmith this legislation into a more workable solution.
064	Gary Springer	States support for HB 3552. Maintains that this legislation would benefit the landowner in the reduction of costs and establishes regulatory equality.
161	Lanny Quackenbush	Oregon Department of Forestry (ODF). Submits (EXHIBIT N) , affirms the previous testimony, and testifies in support of HB 3552.
238	Rep. Smith	Asks how the National Scenic Act relates to this bill.
245	Quackenbush	States that he is not sure.
253	Chair Kropf	Directs the interested parties to work HB 3552 to make it viable to all parties. Closes the public hearing on HB 3552 and reopens a work session on HB 2416.

263	Rep. Gilman	MOTION: Moves to SUSPEND the rules for the purpose of Allowing Rep. Wirth to vote NAY on HB 2416.
265		VOTE: 7-0
267	Chair Kropf	Hearing no objection, declares the motion CARRIED.
<u>HB 2416 – WORK SESSION</u>		
272	Rep. Gilman	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WIRTH to BE RECORDED as voting NAY on the Motion to move HB 2416 to the floor with a DO PASS AS AMENDED recommendation.
	Chair Kropf	Closes the work session on HB 2416 and opens a public hearing on HB 2893.
<u>HB 2893 – PUBLIC HEARING</u>		
283	Kelly	Summarizes HB 2893.
300	Phil Barnhart	Sponsor of HB 2893, speaks to working together with Mark Reed in order to produce this legislation. Points out the objective of this bill to allow the public to testify without being harassed before the board of geologists.
<u>TAPE 62, A</u>		
002	Mark Reed	Lane County Geologists. Submits (EXHIBIT O) and (EXHIBIT P) and testifies with support of HB 2893 as being an issue of first amendment freedom of speech. Speaks to the forthcoming -1 amendments.
141	Rep. Nelson	Notes that she’s appalled at this breach of first amendment rights.
148	Reed	Concludes preceding testimony, by addressing the concept of public safety as it relates to HB 2893.
191	Chair Kropf	Asks if there is any opposition to HB 2893.
194	Reed	States that geologists are not supportive of this legislation.
219	Robin Hartmann	Oregon Shores Conservation Coalition. Submits (EXHIBIT Q) and speaks in favor of this bill in order to protect coastal resources.
291	David Michael	Submits (EXHIBIT R) and testifies in opposition to HB 2893. Addresses Reed’s testimony and why Reed’s condition is now satisfied without the need for legislation. Submits (EXHIBIT S) proposed amendments to a related SB 572.
<u>TAPE 61, B</u>		
008	Michael	Continues testimony in opposition to HB 2893 and addresses Chair Kropf’s question as to who opposed this legislation.
026	Kelly	States that the Senate Bill amendment, submitted by Michael carries no weight in a House Committee, and thus is not germane to this bill.
044	Michael	Asks for clarification on the policy.
050	Chair Kropf	States that all amendments must be submitted through Legislative Counsel.
054	Kelly	Clarifies the legal procedure for submitting an amendment, conceptual or otherwise.
075	Michael	Responds on the question of opposition to HB 2893.
092	Rep. Nelson	Conveys concern about professionals being unable to express their opinion.
130	Susanna Knight	Submits (EXHIBIT T) and testifies in opposition to HB 2893. States that the Geology board would like a chance to help address this issue.
162	Rep. Wirth	Asks whether the bill for Reed’s legal fees was paid.

167	Michael	States belief that the legal fees were paid pro bono.
175	Vice-Chair Gilman	Expresses his belief that sometimes agencies err in making and enforcing rules.
182	Michael	Recognizes the errors of the Board's ways. Submits (EXHIBIT U) for Michael Long.
The following prepared testimony is submitted for the record without public testimony for HB 2893.		
	Jon Williams	Submits (EXHIBIT W) .
	Karen Reed	Submits (EXHIBIT X) .
186	Vice-Chair Gilman	Asks Reed to work out the details to HB 2893 soon. Closes the public hearing and adjourns the meeting at 4:22 PM.

EXHIBIT SUMMARY

A – HB 2258, -1 amendments, staff, 5 pp.
B – HB 3125, HB 3126, and HB 3075, written testimony, Glen Stonebrink, 5 pp.
C – HB 2416, written testimony, Rep. Betsy Close, 2 pp.
D – HB 2416, -1 amendments, staff, 1 p.
E – HB 3075, written testimony, Ron Anglin, 2 pp.
F – HB 3075, written information, Ron Anglin, 2 pp.
G – HB 3126, written testimony, Ron Anglin, 2 pp.
H – HB 3075, written testimony, Ron Anglin, 2 pp.
I – HB 3125, written testimony, Ron Anglin, 2 pp.
J – HB 3125, HB 3126, and HB 3075, written testimony, Greg Addington, 2 pp.
K – HB 3075, written testimony, Robert Beschta, HB 3075, 3 pp.
L – HB 3552, written testimony, Kristina McNitt, 3 pp.
M – HB 3552, written testimony, Sara Leiman, 5 pp.
N – HB 3552, written testimony, Lanny Quackenbush, 3 pp.
O – HB 2893, written testimony, Mark Reed, 6 pp.
P – HB 2893, written testimony, Mark Reed, 14 pp.
Q – HB 2893, written testimony, Robin Hartmann, 10 pp.
R – HB 2893, written testimony, David Michael, 5 pp.
S – HB 2893, SB 572 -2 amendments, David Michael, 1 p.
T – HB 2893, written testimony, Susanna Knight, 3 pp.
U – HB 2893, written testimony, David Michael, 2 pp.
V – HB 3075, 3125, and 3126, Jim Welsh, 1 p.
W – HB 2893, written testimony, Jon Williams, 2 pp.
X – HB 2893, written testimony, Karen Reed, 3 pp.