

SENATE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

February 07, 2003
10:00 a.m.

Hearing Room B
Tapes 15 - 16

MEMBERS PRESENT: **Sen. Frank Shields, Chair**
 Sen. Roger Beyer, Vice-Chair
 Sen. Bill Fisher

MEMBER EXCUSED: **Sen. Tony Corcoran**

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Megan Jensen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 241 – Public Hearing and Work Session**
 SB 242 – Work Session
 SB 99 – 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 15, A		
005	Chair Shields	Calls committee meeting to order at 10:07 a.m. and opens a public hearing on SB 241.
<u>SB 241 – PUBLIC HEARING</u>		
012	Judith Callens	Committee Administrator. Explains SB 241 and -1 amendments (EXHIBIT A) .
025	Shawn Miller	Pacific Northwest Christmas Tree Association. Gives testimony in support of SB 241 and -1 amendments.
038	Sen. Fisher	Asks if the Department of Agriculture (ODA) has used its authority to assess penalties in the last four years.
042	Miller	Responds.
049	Daniel Wells	Oregon Association of Nuserymen. Gives testimony in support of SB 241 and -1 amendments.
054	Chuck Craig	ODA Deputy Director. Provides testimony in support of SB 241 and -1 amendments (EXHIBIT B) .
069	Dan Hillburn	ODA. Gives examples of how ODA has used its authority to assess penalties in cases of violations.
080	Scott Ashcom	Oregon Agriculture Alliance. Provides testimony for SB 241 and -1 amendments (EXHIBIT C) .
099	Chair Shields	Closes the public hearing on SB 241 and opens work session on SB 241.
<u>SB 241 – WORK SESSION</u>		
111	Sen. Beyer	MOTION: Moves to ADOPT SB 241-1 amendments dated 01/29/03.
		VOTE: 3-0
		EXCUSED: 1 - Sen. Corcoran
	Chair Shields	Hearing no objection, declares the motion CARRIED.
114	Sen. Beyer	MOTION: Moves SB 241 to the floor with a DO PASS AS AMENDED recommendation.

117

Chair Shields

VOTE: 3-0

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

EXCUSED: 1 - Sen. Corcoran

The motion CARRIES.

SEN. BEYER will lead discussion on the floor.

Closes work session on SB 241 and opens work session on SB 242.

SB 242 – Work Session

136 Callens

Explains SB 242 and -1 amendments (**EXHIBIT D**).

162 Sen. Beyer

Asks about the fiscal impact of requesting additional full time employees for ODA to administer the program.

166 Craig

Responds.

180 Sen. Beyer

Asks if additional employees will be needed to administer the program.

183 Jim Kramer

ODA. Responds that one half-time employee will be required.

186 Chair Shields

Confirms that only one additional half-time employee would be hired.

189 Kramer

Explains.

215 Sen. Beyer

MOTION: Moves to ADOPT SB 242-1 amendments dated 2/5/03.

218

VOTE: 3-0

EXCUSED: 1 - Sen. Corcoran

Hearing no objection, declares the motion CARRIED.

220 Chair Shields

MOTION: Moves SB 242 to the floor with a DO PASS AS AMENDED recommendation.

222 Sen. Beyer

223

VOTE: 3-0

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

EXCUSED: 1 - Sen. Corcoran

The motion CARRIES.

Chair Shields

SEN. FISHER will lead discussion on the floor.

224 Chair Shields

Closes work session on SB 242 and opens public hearing on SB 99.

SB 99 – Public Hearing

225 Callens

Explains SB 99.

244 Sen. Joan Dukes

District 16. Testifies in support of SB 99 and suggests creating a separate shellfish license with dedicated funds to accomplish the following:

- Restore the shellfish biologist
- Fund the inspection program
- Restore Oregon State Police (OSP) enforcement

356 Chair Shields

Inquires whether funds from a shellfish license could support hatcheries as well as shellfish management.

373 Sen. Dukes

Responds.

385 Chair Shields

Asks if there are other constituents who would like shellfish license fees to support hatcheries.

390 Sen. Dukes

Replies.

424 Sen. Roger Beyer

District 9. Provides testimony in support of SB 99 and suggests that there not be a separate shellfish license.

TAPE 16, A

005 Sen. Beyer

Continues testimony in support of SB 99.

040 Wayne Van Dyke

Marion County. Provides testimony in support of SB 99 and states that the shellfish license should be added to an angling license.

088	Shirley Laviolette	Tillamook County Jetty Fishery Marina and RV Park. Provides written testimony against SB 99 (EXHIBIT E). Discusses the effects of shellfish license fees on tourist businesses.
125	Laviolette	Continues testimony against SB 99.
195	Laviolette	Continues testimony against SB 99.
283	Bob Jacobson	Lincoln County. Testifies in support of SB 99 and believes that shellfish need a comprehensive management program which could be funded by shellfish license fees.
340	Jacobson	Continues testimony in support of SB 99.
400	Jacobson	Continues testimony in support of SB 99.
TAPE 15, B		
015	Wendy Farris	Northwest Equine Outfitters, Yamhill County. Testifies against SB 99 and discusses the effects of shellfish license fees on tourism.
124	Kay Brown	Oregon Department of Fish and Wildlife (ODFW). Provides written testimony on SB 99 (EXHIBIT F) and informs the committee of ODFW's neutral stance on the issue. Provides clarification on how the bill would affect Oregon and discusses the potential revenue impact.
188	Sen. Fisher	Asks about a possible prohibition against out of state visitors taking shellfish.
198	Brown	Responds.
200	Sen. Fisher	Inquires why other states can prohibit out-of-state visitors taking shellfish but Oregon does not.
212	Brown	Offers to research the issue.
218	Sen. Beyer	Asks about OSP enforcement of shellfish permit holders.
228	Brown	Responds.
232	Lt. David Cleary	OSP. Discusses enforcement options for shellfish permits.
248	Sen. Fisher	Asks how many people are allowed to fish under one permit.
250	Cleary	Responds.
256	Sen. Fisher	Asks for clarification.
259	Cleary	Describes the permitting process.
262	Sen. Fisher	Inquires about enforcement policies if a fish is accidentally caught in a crab pot.
266	Cleary	Responds.
273	Sen. Fisher	Asks about the angling license fee.
275	Cleary	Replies.
278	Sen. Fisher	Asks for clarification.
282	Cleary	Confirms that SB 99 would add the taking of shellfish under the existing angling license.
293	Sen. Fisher	Questions what good will come from the small amount of revenue left once administrative costs are deducted.
301	Brown	Responds that Ways and Means will decide how the dollars are spent but assumes the funds will support a biologist position and general shellfish management.
311	Sen. Fisher	Comments that the return seems small.
315	Chair Shields	Recalls that the biologist position was eliminated during the most recent budget cuts.
325	Brown	Explains why the biologist position was eliminated.
327	Chair Shields	Asks for clarification.
329	Brown	Clarifies the duties of the potential biologist position.
351	Chair Shields	Inquires if ODFW knows what tourist revenue would be lost if the bill passes.
358	Brown	Responds that ODFW does not have that information.

365	Chair Shields	Asks whether it is better to incorporate shellfish into the angling license or provide a separate shellfish license.
375	Brown	Responds.
390	Sen. Fisher	Asks how ODFW restricts limits on shellfish harvesting.
408	Brown	Answers.
024	Peter Roscoe	Friends of the Razor Clam II (FORC II). Submits and presents written testimony supporting SB 99 (EXHIBIT G). Suggests that the bill should go further to protect shellfish resources and that the committee look into creating a separate shellfish license.
104	Sen. Fisher	Asks if he speaks for the FORC II group.
105	Roscoe	Affirms.
114	Phil Donovan	Northwest Sport Fishing Association. Testifies for SB 99. Remarks that anglers make a contribution to the management of fish and wildlife by buying a permit and that shellfish management requires a permit fee to protect resources as well.
145	Sen. Fisher	Remarks that all people enjoy nature but only hunters and fishers have to pay for licenses.
166	Donovan	Responds.
180	Jane Laviolette	Tillamook County Jetty Fishery Marina and RV Park. Testifies against SB 99. Comments on the commercial use of clams as bait and the effects a shellfish license would have on tourism.
251	Sen. Fisher	Comments that the potential overall effects of the bill are unknown.
285	Sen. Beyer	Suggests that ODFW can provide information on the number of commercial clambers.
310	Sen. Fisher	Suggests the issues merit further discussion.
322	Chair Shields	Proposes forming a citizen work group to further discuss shellfish license issues.
356	Sen. Fisher	Comments on how the work group should operate.
384	Chair Shields	Observes that the goal of the work group will be find an acceptable compromise.
410	Chair Shields	Closes the work session on SB 99 and adjourns the meeting at 11:55 a.m.

EXHIBIT SUMMARY

A – SB 241, 241-1 amendments dated 1/29/03, staff, 1 p

B – SB 241, written testimony, Chuck Craig, 1 p

C – SB 241, written testimony, Scott Ashcom, 1 p

D – SB 242, 242-1 amendments dated 2/5/03, staff, 1 p

E – SB 99, written testimony, Shirley Laviolette, 3 pp

F – SB 99, written testimony, Kay Brown, 5 pp

G – SB 99, written testimony, Peter Roscoe, 4 pp