

HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY

January 28, 1998 Hearing Room D

8:30 AM Tapes 9 - 10

MEMBERS PRESENT: Rep. Larry Wells, Chair

Rep. Jeff Kropf, Vice-Chair

Rep. Terry Thompson, Vice-Chair

Rep. Roger Beyer

Rep. Ryan Deckert

Rep. Jim Hill

Rep. Elaine Hopson

Rep. Jerry Krummel

Rep. Judy Uherbelau

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: HB 2119 Public Hearing

HB 2120 Public Hearing

HB 2121 Public Hearing

HB 2122 Public Hearing and Work Session

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 9, A		
004	Chair Wells	Calls the committee to order at 8:30 a.m. Opens the public hearing on HB 2119.

HB 2119 n PUBLIC HEARING

013	Chair Wells	States there are some problems with the bill, so they won't be moving it out of committee today.
022	Chuck Craig	Assistant Director, Department of Agriculture (ODA). Notes Oregon Health Sciences University's and Department of Fish and Wildlife's concerns with HB 2119 and states that ODA needs time to work through these.
033	Dr. Andrew Clark	State Veterinarian, Department of Agriculture. Testifies on the provisions of HB 2119.
064	Chair Wells	Asks for clarification whether ODA's inability to make consideration for a permit of the access or the proximity to public access points, such as schools and parks, is based on the bill or current law.
066	Clark	Responds that under current law they cannot do this. Continues explaining provisions of the bill.
097	Chair Wells	Asks for clarification that ODA would like the committee to delay moving the bill.
100	Craig	Responds that this is correct.
103	Rep. Beyer	Asks what it means to go from liability to strict liability.
106	Craig	Responds that strict liability means you don't have to prove negligence or willful intent if you're seeking to recover damages.
113	Clark	Notes that OHSU found a technical glitch in HB 2119 regarding a difference between registration and licensure by the U.S. Department of Agriculture.
117	Rep. Hill	Referring to line 14 of the bill, asks how they are going to define indigenous.
120	Clark	Responds that they would do this in conjunction with ODFW.
123	Rep. Hill	Notes that the bill deletes the language about domestic dogs, and there are some indigenous dogs that weigh more than 50 pounds that should not need a permit.
131	Clark	Comments that domestic cats are excluded in section one, subsection one of the bill, and domestic dogs are excluded in subsection four.
140	Rep. Hill	Notes that this language is being deleted.

141	Craig	States this is a drafting error that will be corrected.
143	Chair Wells	Suggests Mr. Craig work with the concerned parties on HB 2119.
149	Rep. Beyer	Asks if ODA could require the person seeking the permit to pay for costs through a private veterinarian rather than raising the fee from \$20 to \$600.
157	Clark	Responds that allowing others to do inspections or approvals could lead to different interpretations of how these animals are held.
170	Chair Wells	Closes the public hearing on HB 2119. Opens the public hearing on HB 2120.
<u>HB 2120 n PUBLIC HEARING</u>		
184	Judith Callens	Committee Administrator. Explains the provisions of HB 2120.
217	Chair Wells	Explains the history behind this sunset provision.
239	Clark	Submits and reads written testimony in support of HB 2120 (EXHIBIT A).
286	Rep. Hill	Asks for clarification that repealing the original section in the original law is the proper way to deal with the sunset provision.
291	Chair Wells	Notes that the sunset has always been for two years, until 1995 when the Legislature changed it to four.
304	Rep. Hill	Clarifies that he was asking a process question. Questions whether they should be repealing the 1993 extension or the original section.
318	Chair Wells	Asks for clarification that they are repealing the sunset clause and that the statute stays the same.
320	Craig	Responds that this is correct.
322	Rep. Beyer	Asks how often there are outbreaks and emergency diseases.
328	Clark	Responds that they've never had a major disease outbreak in Oregon.
374	Discussion among committee members to clarify what is being repealed.	
386	Chair Wells	Comments that staff from the Legislative Counsel Office is on their way to

		clarify Rep. Hillis question about what is being repealed.
393	Rep. Uherbelau	Notes that the sunset provision is currently in Oregon Laws Chapter 561 and the bill refers to Chapter 584, which no longer exists.
396	Further discussion among committee members to clarify what is being repealed.	
408	Rep. Hill	Clarifies that his question is whether the 1993 Legislature repealed this section already.
TAPE 10, A		
007	Chuck Taylor	Legislative Counsel Office. Clarifies that the 1991 section of the law was amended in 1993 and that HB 2120 repeals the sunset provision in the 1991 section of the law.
023	Rep. Deckert	Noting that there has not been an emergency outbreak, asks how accruing funds are being utilized to deal with the possibility of such an outbreak.
031	Clark	Responds that they are in the process of recruiting a veterinarian for Eastern Oregon and this person will need to be trained.
049	Rep. Deckert	Asks about the possibility of contracting with veterinarians across the state and using these funds to have them be responsible for dealing with an emergency outbreak.
058	Clark	Responds that there is not a program at the federal level for training private veterinarians in foreign animal disease diagnostics.
071	Rep. Deckert	Asks why it is mandatory that the veterinarians be a state or federal employee.
078	Clark	Responds that a foreign animal disease outbreak is a full-time job until the disease is controlled, and a private veterinarian would not have the time to devote to such a job.
092	Rep. Hill	Asks for clarification that these trained veterinarians are not just sitting around waiting for an outbreak to occur.
097	Clark	Responds that they handle other duties in the disease control programs.
100	Rep. Beyer	Asks where the federally trained veterinarians are located.
103	Clark	Responds that there is one in Roseburg, two in Salem, and one in Portland.

106	Rep. Beyer	Asks for clarification that there are a total of nine veterinarians statewide who are waiting for an emergency outbreak.
108	Clark	Responds that none of the state veterinarians are foreign animal disease diagnostic qualified.
123	Rep. Uherbelau	Asks if this program is analogous to the Center for Disease Control at the federal level and the Health Department on the state level in terms of human diseases.
131	Clark	Responds that an integrated, coordinated response to an emergency outbreak is an important factor
139	Rep. Kropf	Asks why state veterinarians need trained in foreign animal disease diagnostics when there are trained federal veterinarians already.
145	Clark	Clarifies that the state veterinarians are not trained at this point, and ODA wants to train the Eastern Oregon state veterinarian because this position covers a large area of the state and is of great importance from the beef-cattle aspect.
152	Rep. Kropf	Asks for clarification that the federal veterinarians are not currently covering Eastern Oregon.
156	Clark	Responds that it is currently being covered from here, but there is the normal flow of work in Eastern Oregon that needs taken care of, which is why they are recruiting for this position.
161	Rep. Hill	Asks for clarification that regardless of whether the veterinarians are state or private, they still need the sunset provision repealed.
164	Clark	Responds that this is correct.
165	Chair Wells	Notes that if the sunset goes into affect, they lose \$222,000 of funding for the program.
170	Rep. Beyer	States that he needs more clarification on what these veterinarians do, because he doesn't feel they've made a case for continuing this program.
187	Glen Kolb	Executive Director, Oregon Veterinary Medical Association. Testifies in support of HB 2120. Comments that the emergency response portion is a small aspect of the state veterinarians' duties, and that private veterinarians do not have the time to become involved in this emergency response.
222	Rep. Krummel	Asks Mr. Kolb if he feels the fees are adequate.

227	Kolb	Responds that his organization believes the fees are appropriate.
233	Rep. Hopson	Asks for clarification that all they are talking about is maintenance of the current situation.
237	Kolb	Responds that this is his understanding
238	Rep. Hopson	Asks for clarification that if there were an outbreak, the private veterinarian would be the key person for identifying the outbreak and notifying the state veterinarian.
243	Clark	Responds that this is correct.
248	Rep. Uherbelau	Asks what the state veterinarians are doing in the meantime while waiting around for an outbreak to occur.
256	Clark	Responds that there are five separate state-federal cooperative animal health programs and part of their work is to continuously maintain these programs. Responds that state veterinarians also work with organizations to develop disease control programs, and they run a program for deputy state veterinarians.
335	Rep. Deckert	Asks for clarification that the state positions do not duplicate the efforts of the federal positions.
341	Clark	Responds that this is correct.
354	Rep. Krummel	Notes that it appears they have a \$248,000 surplus per biennium in reserve, and asks what triggers the use of the reserve.
389	Roger Huffman	Animal Health and Identification Division Administrator, Department of Agriculture. Responds that there has been some carryover of funds since 1991, and they have about \$400,000 available for dealing with an emergency outbreak.
TAPE 9, B		
001	Rep. Krummel	Asks for a definition of FAD.
002	Huffman	Responds that it is a foreign animal disease outbreak.
005	Rep. Krummel	Asks for clarification that there is some carryover of funds and the use of these funds would be triggered by a foreign animal disease outbreak.
012	Huffman	Responds that this is correct.

019	Rep. Uherbelau	Asks for clarification that the program has had a \$400,000 carryover since 1991.
020	Huffman	Responds that this has been an accumulation since 1991.
030	Rep. Uherbelau	Asks if the carryover funds are segregated.
033	Huffman	Responds that they are.
035	Rep. Beyer	Asks what the balance of this carryover fund is since 1991.
038	Huffman	Responds that it is approximately \$400,000.
043	Chair Wells	Comments on HB 2120's fiscal impact statement.
053	Huffman	Notes that this is the only Other Funds money that comes into this program and that the rest comes from General Fund.
062	Chair Wells	Asks if there could be buildup and carryover of General Fund dollars.
064	Huffman	Responds that there has been no buildup of General Fund.
066	Chair Wells	Asks for clarification that the funds that come in from the fees are separate from General Fund revenues.
067	Huffman	Responds that this is correct.
075	Rep. Kropf	Asks if the carryover that has been accumulating since 1991 is a result of not having the position in Eastern Oregon filled, and asks how long it has not been filled.
080	Huffman	Responds that the position has been filled off and on.
091	Rep. Kropf	Asks what the total time estimate is for how long this position has been unfilled.
094	Huffman	Responds that it has been 12 to 14 months in the past biennium.
098	Chair Wells	Comments that the fiscal impact statement for the bill is incorrect.
117	Rep. Kropf	Comments that he is in favor of keeping this program, but he wouldn't mind holding up HB 2120.

126	Huffman	States that it may be unfair to look at the expenditure side within this past biennium, because when they are fully staffed, and for a full biennium period, the numbers in the fiscal impact would be incorrect.
134	Rep. Krummel	States that there is no way he can support this bill on the floor. Suggests they delay action on HB 2120 so that they can get a correct fiscal impact statement on the bill.
156	Rep. Hill	States that this is a Ways and Means Committee issue and they should handle it.
164	Chair Wells	Notes that the bill does not have a subsequent referral.
167	Rep. Uherbelau	Comments that the committee is getting hung up on something that they don't need to, and suggests that they just need to review the fiscal impact.
179	Chair Wells	Asks Mr. Craig if he agrees with the committee's suggestion to delay action on the bill in order to clarify the fiscal impact.
180	Craig	States that ODA would be glad to work with the Legislative Fiscal Office to get a correct fiscal impact statement.
181	Chair Wells	Notes the position in support of HB 2120 of Coy Cowart and Pete Test who are unable to testify due to time constraints. Closes the public hearing on HB 2120.
Written testimony in support of HB 2120 submitted for the record by Steve Wagner, President, Oregon Poultry Industries Council (EXHIBIT B).		
225	Chair Wells	Opens the public hearing on HB 2121.
<u>HB 2121 n PUBLIC HEARING</u>		
231	Callens	Explains the provisions of HB 2121.
256	Chuck Craig	Department of Agriculture. Submits written testimony (EXHIBIT C) and testifies in support of HB 2121.
286	Chair Wells	Asks for clarification that ODA is going to need an amendment to this bill.
287	Craig	Responds that this is correct.
288	Rep. Thompson	Asks why ODA creates a monopoly, so that only one person can operate an auction in an area.

290	Huffman	Responds that the statutes say that when an auctioneer applies for a license, or has a license, they have a designated trade area.
322	Rep. Thompson	Asks why these auctions are shutting down.
326	Huffman	Responds that the cost to operate one is quite expensive.
341	Rep. Thompson	Asks why ODA is proposing to increase the license fee if the operating costs are already so high.
347	Huffman	Responds that this only applies to new licenses, and that there would be no impact to existing ones.
361	Rep. Hopson	Asks for clarification that there is no renewal of the license.
363	Huffman	Responds that there is an annual renewal fee of \$100.
366	Rep. Hopson	Asks how many of these licenses are out there.
369	Huffman	Responds that there are approximately 15 licenses.
383	Coy Cowart	Owner, Lebanon Auction Yard, and member of the Oregon Cattlemen's Association. Testifies in support of HB 2121.
402	Craig	Comments that ODA wants to work some language into the bill that protects the existing licensees from having to pay the new fee if their license lapses.
TAPE 10, B		
006	Chair Wells	Closes the public hearing on HB 2121. Opens the public hearing on HB 2122.
<u>HB 2122 - PUBLIC HEARING</u>		
012	Callens	Reviews the provisions of HB 2122.
033	Chair Wells	Asks where they have the language concerning the 50%.
034	Callens	Responds that it is on page three, line 27 of the bill. Continues reviewing the provisions of the bill.
046	Chuck Craig	Department of Agriculture. Submits written testimony (EXHIBIT D) and

		testifies in support of HB 2122.
055	George Shefcheck	Measurement Standards Division Administrator, Department of Agriculture. Notes that these fees have been in place for about 25 years and new technology has changed the way they inspect the devices.
067	Rep. Kropf	Asks if they are going to seek to replace the loss of these fees through General Fund allocation.
069	Craig	Responds that ODA is reducing the fees because they don't need them.
077	Brian Boe	Representing the Oregon Petroleum Marketers Association. Testifies in support of HB 2122.
084	Mike Sherlock	Representing the Oregon Gasoline Dealers Association. Submits written testimony (EXHIBIT E) and testifies in support of HB 2122.
094	Chair Wells	Closes the public hearing and opens the work session on HB 2122.
<u>HB 2122 n WORK SESSION</u>		
096	Rep. Beyer	MOTION: Moves HB 2122 to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Deckert
104	Chair Wells	The motion CARRIES. REP. BEYER will lead discussion on the floor.
[A motion to allow Rep. Deckert to cast an AYE vote for HB 2122 is made at tape counter #224. The final vote on the bill is 9-0.]		
116	Chair Wells	Reopens the public hearing on HB 2119.
<u>HB 2119 n PUBLIC HEARING</u>		
125	Andrew Rubin	Chief Executive Officer, Oregon Tiger Sanctuary. Submits and reads written testimony from Penny Torres expressing her organization's concern with HB 2119 (EXHIBIT F).

180	Chair Wells	Asks Mr. Rubin to summarize his testimony.
181	Rubin	Continues his testimony by summarizing that the problem with the bill is that it does not include new world monkeys.
204	Rep. Uherbelau	Suggests Mr. Rubin talk with ODA regarding changes to the bill.
220	Chair Wells	Closes the public hearing on HB 2119. Reopens the work session on HB 2122 for the purposes of letting Rep. Deckert vote on the bill.
<u>HB 2122 n WORK SESSION</u>		
224	Rep. Thompson	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. DECKERT to BE RECORDED as voting AYE on the motion to move HB 2122 to the floor with a DO PASS recommendation.
		VOTE: 9-0
226	Chair Wells	Hearing no objection, declares the motion CARRIED.
227	Rep. Deckert	Votes AYE.
231	Chair Wells	Closes the work session on HB 2122.
Written testimony in opposition to HB 2119 submitted by Dwayne Kaptur, President, Pacific Northwest Exotics, and Steven Belknap, Rock Creek Exotic Animals (EXHIBIT G and H , respectively). Written testimony in support of HB 2120 submitted by Dr. Steven Brown, President, Oregon Veterinary Medical Association (EXHIBIT I).		
234	Chair Wells	Adjourns the committee at 10:10 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2120, written testimony, Dr. Andrew Clark, 1 p

B ñ HB 2120, written testimony, Steve Wagner, 1 p

C ñ HB 2121, written testimony, Chuck Craig, 1 p

D ñ HB 2122, written testimony, Chuck Craig, 1 p

E ñ HB 2122, written testimony, Mike Sherlock, 1 p

F ñ HB 2119, written testimony of Penny Torres, Andrew Rubin, 5 pp.

G ñ HB 2119, written testimony, Dwayne Kaptur, 1 p

H ñ HB 2119, written testimony, Steven Belknap, 1 p

I ñ HB 2120, written testimony, Dr. Steven Brown, 1 p