

HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY

April 13, 1999 Hearing Room D

8:30 a.m. Tapes 44 - 45

MEMBERS PRESENT: Rep. Larry Wells, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Jeff Kropf, Vice-Chair

Rep. Roger Beyer

Rep. Ryan Deckert

Rep. Jim Hill

Rep. Elaine Hopson

Rep. Jerry Krummel

Rep. Judy Uherbelau

STAFF PRESENT: B. Harrison Conley, Administrator

Samantha Demchak, Administrative Support

MEASURE/ISSUES HEARD: HB 3496 Public Hearing

HB 3381 Public Hearing and Work Session

HB 2564 Public Hearing

SB 626 Work Session

TAPE/#	Speaker	Comments
TAPE 44, A		
011	Chair Wells	Opens meeting at 8:30 a.m. Opens public hearing on HB 3496.
<u>HB 3496 Public Hearing</u>		
076	Rep. Lynn Lundquist	District 59. Testifies in support of HB 3496. Notes hunters pay \$28.00 to hunt on preserves. Adds that \$25.00 of that fee goes into a separate sub-account of the state wildlife fund. Notes those funds are used for the promotion of the upland bird hunters (EXHIBIT A).
103	Chair Wells	Asks if there was a problem with the way the bill was originally drafted.
109	Rep. Lundquist	Answers yes, the conceptual amendment addresses the problem. Notes one section is 640 acres. States to increase the maximum size of an eastside preserve to twoeach sections orto 1280 acres will increase the quality of the hunt.
127	Chair Wells	Asks how the birds are kept on the preserve.
130	Rep. Lundquist	Answers preserve operators anticipate that 85-90 percent of the birds that are released are taken on the preservehunted.
151	Rich Berry	Wildlife Director, Oregon Department of Fish and Wildlife (ODFW). Testifies in support of HB 3496. Notes HB 3496 will clarify who needs a license to hunt on the preserve.
177	Chair Wells	Asks for clarification of conceptual amendments.
180	Rep. Lundquist	Indicates the proposed amendments will amend ORS 497.156.
188	Chair Wells	Indicates page 2, lines 9-22 of the printed bill will be taken out of HB 3496. Opens work session on HB 3496.
<u>HB 3496 WORK SESSION</u>		
195	Rep. Krummel	Asks about the addition of subsection (3)(b) in the -1 amendmentsB of Section 3, line 17. Asks if it is exempting a non-resident from having to obtain a permit.
207	Harrison Conley	Committee Administrator. Answers that Section 2 deals with having an annual hunting license or a preserve permit. Notes Section 3 deals with the resident upland bird stamp. Notes the section to be amended into HB 3496 deals with the

		non-resident bird water-fowl stamp.
218	Rep. Lundquist	Notes on page 2 in Section 2, subsection (1)(h) of the printed bill under H, under Section 2 on page 2 it states that there is a permit is required.
231	Chair Wells	Notes the wrong section was amended originally.
243	Rep. Beyer	Asks for clarification on the time limit the birds need to be released before they can be hunted. Asks what prevents wild birds from coming onto the preserve.
250	Berry	Notes all birds are marked. Non marked birds, that are killed, will require a fee. Indicates wild birds can not be taken legally without paying a fee, and preserve operators are required to make bird tags available for these instances.
261	Rep. Beyer	Asks how the birds are marked.
263	Berry	Answers that the birds are marked in a variety of ways like clipping, or banding.
265	Rep. Beyer	Asks if there is a certain amount of time the birds must be released before they are hunted.
267	Berry	Answers that there are no specific time limits.
273	Conley	States Legislative Council has drafted the bill with the new language.
278	Rep. Beyer	Asks is the acreage distinction "east versus west."
283	Rep. Lundquist	Answers that on the west side the density is higher with people. Notes the size of the parcels is different.
292	Rep. Beyer	Asks why not put the maximum acreage on both sides of the mountain.
295	Berry	Indicates there have not been any requests on the west side.
311	Chair Wells	Notes there is not a fiscal impact statement issued. Closes work session on HB 3496. Opens public hearing on HB 3381.
<u>HB 3381 PUBLIC HEARING</u>		
340	Conley	Discusses provisions of HB 3381.

357	Rep. Al King	District 44. Notes there are motivated hunters that are limited to one hunt a year. Indicates that letting hunters pay an additional amount for a second tag would increase revenue for ODFW.
403	Rod Harder	Oregon Sportsman Defense Fund (OSDF). Testifies in Support of HB 3381. Notes the -1 amendments take care of any problems that OSDF had with HB 3381. Notes the amendments state the hunts will only take place in a controlled hunt unit with the tags that are left over after the hunting season. Adds the second tags would be made available at four times the amount of the original tag.
428	Chair Wells	Asks why there would be tags left over.
430	Harder	Responds that the tags are from unpopular units.
435	Rep. Thompson	Asks why there is a need to have the extra tag cost four times the amount of the original tag.
441	Harder	Notes the hunters pay a premium for the ability to hunt twice.
452	Rep. King	Notes ODFW felt the price would cover the extra work of the second tag. Adds there is a biological objective that needs to be met.
461	Rep. Hill	Asks for clarification of a unit.
466	Harder	Answers that Oregon is cut into sections for the management of wild animals.
473	Berry	Notes a unit is a geographic location where a population harvest level has been set. Notes there are areas that are undesirable and the tags will be left (EXHIBIT B) .
<u>TAPE 45, A</u>		
004	Rep. Beyer	Asks what areas does ODFW have in mind.
008	Berry	Answers that Oregon has units throughout the state, so it would depend on the location of the tags.
013	Rep. King	Notes there are many types of hunting.
015	Rep. Beyer	Asks when the second hunting season would be.
020	Berry	Answers that it would be within existing seasons.

027	Rep. Beyer	Asks about this affecting a second chance draw.
031	Berry	States that issues needs to be further amended.
039	Rep. Beyer	Asks if the unused tags could be bought and resold for a profit.
046	Berry	Notes that could be resolved through administrative rule.
050	Rep. Beyer	Asks about getting a regional tag.
052	Berry	Notes there are still unused tags.
054	Chair Wells	Closes public hearing on HB 3381. Opens work session on HB 3381.
<u>HB 3381 WORK SESSION</u>		
055	Rep. Thompson	MOTION: Moves to ADOPT HB 3381-1 amendments dated 4/1/99.
		VOTE: 8-0 EXCUSED: 1 - Uherbelau
	Chair Wells	Hearing no objection, declares the motion CARRIED.
063	Rep. Thompson	MOTION: Moves HB 3381 to the floor with a DO PASS AS AMENDED recommendation.
068		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Uherbelau
	Chair Wells	The motion CARRIES. REP. KING will lead discussion on the floor.

099	Chair Wells	Closes work session on HB 3381. Opens public hearing on HB 2564.
<u>HB 2564 WORK SESSION</u>		
120	Rep. Deckert	Notes the -1 amendment removes federal and state projects. Adds the -3 amendment is new language with game or exotic animals. Continues the -4 amendments would grandfather in existing preserves. Notes the -5 amendments intent is to cover certain situations if there was grandfathering. (EXHIBIT C).
138	Rep. Hill	Asks if adopting the -4 would prevent anyone from obtaining a license.
144	Chair Wells	Notes ODFW had concerns with the -4 amendments and grandfathering as well.
155	Rep. Thompson	Asks if this is "feel good language."
164	Berry	Notes it is consistent with the language that will be provided to the commission.
169	Rep. Ben Westlund	District 55. Testifies in opposition to canned hunts. Adds he is in favor of the grandfathering clause. Notes HB 2564 would preserve the fair chase issues.
197	Rep. Mark Simmons	District 58. Asks if there is a definition of "caged" in regards to this legislation.
200	Chair Wells	Responds that there is no definition for "caged" yet.
212	Rep. Hill	Notes if the committee does not define the word "caged" it would be defined by administrative rule.
248	Rep. Simmons	Notes he would prefer to have the definitions made in committee.
252	Rep. Uherbelau	Notes the authority would go to ODFW to make rules. Explains that courts give common sense definitions.
271	Rep. Beyer	States he is also concerned about the word "confinement" on line 12.
282	Rep. Kropf	Indicates the goal here is no one approves of the concept of caging and staking. We need to decide what is appropriate area and terrain. Indicates someone needs the empowerment to make the rules.

323	Rep. Deckert	Notes line 15 through 17 deal with those issues.
353	Rep. Westlund	Indicates he is concerned about the definition of "caged" being changed in administrative rule. Indicates he would oppose the bill if it were only used for grandfathering.
366	Rep. Simmons	Indicates he opposed to line 15A in the hand engrossed version.
<u>TAPE 44, B</u>		
009	Berry	ODFW. Indicates ODWF has reviewed all the amendments and approves of them. Adds the Oregon Fish and Wildlife Commission has heard this same subject and is considering rules on the hunting of exotic animals. Notes the issue of grandfathering has held up the vote of the commission. (EXHIBIT D & E).
014	Rep. Hill	Asks how many times this issue has been in front of the commission.
015	Berry	Responds 3 times in the last year. Notes the commission will take action this month.
026	Rep. Deckert	Indicates it is his belief that this issue has been before the commission for two years.
031	Berry	Notes it was officially introduced at the February meeting
034	Rep. Uherbelau	Asks when is the meeting.
036	Berry	Responds April 23.
039	Rep. Uherbelau	Asks about tabling HB 2564 to see what the commission does with it.
042	Chair Wells	Asks if HB 2564 is needed if the commission acts.
045	Dan Edwards	Notes if the commission acts it would be duplicating the issue.
049	Rep. Hill	Asks about the effects of any proposed rules on Clover Creek Ranch.
050	Berry	Responds he will be affected by the rules. Notes the commission will meet with Mr. Couchlark and evaluate all the animals he has on his property.
064	Rep. Beyer	Asks about a hunting preserve bill that has the commissions blessing.

070	Berry	Notes that in statute there is only on reference to a hunting preserve.
090	Doug Stromberg	Hunter. Notes Clark Couch does not do "canned hunts." Notes a grandfather clause is precluded from the time a person goes into business. Indicates Clark Couch invited the commission to visit his ranch. Notes he has retained an attorney to write a legal opinion for the commission.
149	Chair Wells	Asks about the language of "grandfathering."
164	Stromberg	Indicates that is a problem. Notes several states do not have laws that preclude this type of activity. Indicates Clark Couch has a propagation license.
190	Kelly Peterson	Testifies in support of HB 2564. Opposes amendments that would "grandfather" Clover Creek Ranch. (EXHIBIT F) .
236	Ann Aylot	Testifies in support of HB 2564. Indicates to grandfather something in for these reasons is immoral.
290	Susan Mentley	Oregon Humane Society. Testifies in support of HB 2564.
351	Andrea Bauch	Testifies in support to HB 2564. Notes these animals can not escape because they are fenced. States it is inappropriate to grandfather someone in (EXHIBIT G.)
<u>TAPE 45, B</u>		
003	Patrick Buckley	Testifies in support of HB 2564. States grandfathering will create a monopoly.
011	Bauch	Notes it is important to testify. Adds it is offensive to feel rushed and to hurry through testimony.
021	Chair Wells	Apologizes for the time problems. Explains the time constraints are due to the floor session starting.
029	Chuck Woosley	Testifies in support of HB 2564. Notes Clark Couch has testified his fences have been breached. Notes the animals are a possible source of disease for native animalonce a diseased has been introduced animal.
060	Andrea Dumas	Testifies in support of HB 2564.
080	Chair Wells	Closes hearing on HB 2564. Reopens work session on HB 3381.
<u>HB 3381 WORK SESSION</u>		

087	Rep. Wells	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. UHERBELAU to BE RECORDED as voting AYE on moving HB 3381 to the floor with a DO PASS RECCOMENDATION
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
Chair Wells		The motion CARRIES.
092	Chair Wells	Closes work session on HB 3381. Opens work session SB 626.
<u>SB 626 WORK SESSION</u>		
097	Rep. Beyer	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 626.
		VOTE: 9-0
Chair Wells		Hearing no objection, declares the motion CARRIED.
101	Rep. Thompson	MOTION: Moves to RECONSIDER the vote by which SB 626 was voted do pass to the floor.
105	Rep. Deckert	Objects to reconsidering the vote.
107	Rep. Krummel	Objects to reconsidering the vote.
109	Rep. Hopson	Objects to reconsidering the vote.
129	Richard Koseisan	Encourages committee to remember SB 626 grants the Sheep Commission the authority to increase the assessment. Indicates the commission is aware of the concerns of the people. Encourages committee to move SB 626 forward. Notes SB 626 as amendment is an attempt to address concerns of the public.
172	Rep. Uherbelau	States she voted no previously. Adds that vote did not reflect whether she agreed with the increase of the assessment. Indicates she has since done investigation. Indicates an increase is necessary. Notes she will vote yes for SB 626. Suggests

		that commission discusses what the assessment was to be against.
208	Rep. Thompson	Notes both sides of the assessment issue came to his office. Adds his concern was where the commission spent its money. Indicates those concerns were answered. Notes he will vote yes again.
230	Chair Wells	States part of the money goes to Oregon Sheep Growers Association.
237	Rep. Hill	Notes his previous no vote reflected concern that was his inability of the commission to look at alternatives. Suggests there be a sunset clause. Indicates he will vote no on SB 626.
270	Rep. Beyer	States he will vote no.
285	Rep. Thompson	States he will oppose a sunset clause.
292	Rep. Uherbelau	States there need to be other options to raise money.
303	Rep. Beyer	Asks why SB 626 is back in the committee since it was voted out.
308	Chair Wells	Notes it was returned because of the three no votes.
320	Rep. Thompson	Asks how a bill is drawn back into committee.
332	Conley	Notes the committee can reconsider its action during the there is a three days in which staff prepares the bill to be bill dropping requirement.
347	Rep. Kropf	Asks what needs to be done to get a unanimous vote.
357	Chair Wells	Indicates there does not need to be a unanimous vote.
365	Rep. Thompson	Notes the reason for the Legislature is to handle contentious issues.
375	Rep. Beyer	Notes the committee should send SB 626 to the floor.
379	Rep. Krummel	MOTION: Moves SB 626 to the floor with a DO PASS AS AMENDED recommendation.
382		VOTE: 7-2 AYE: 7 - Deckert, Hopson, Kropf, Krummel, Thompson, Uherbelau, Wells

		NAY: 2 - Beyer, Hill
	Chair Wells	The motion CARRIES. REP. WELLS will lead discussion on the floor.
390	Chair Wells	Closes hearing on SB 626. Adjourns meeting.

Submitted By, Reviewed By,

Samantha Demchak, B. Harrison Conley,
Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3496, proposed amendments, Rep. Lynn Lundquist, 1 p.

B - HB 3381, written testimony, Rich Berry, 1 p.

C - HB 2563, written testimony, Rep. Ryan Deckert, 8 pp.

D - HB 2564, written testimony, Rich Berry, 3 pp.

E - HB 2564, written testimony, Rich Berry, 1 p.

F - HB 2564, written testimony, Kelly Peterson, 10 pp.

G - HB 2564, written testimony, Andrea Bauch, 5 pp.