

## HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY

April 29, 1999 Hearing Room D

8:30 a.m. Tapes 55 - 56

**MEMBERS PRESENT:** Rep. Larry Wells, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Jeff Kropf, Vice-Chair

Rep. Roger Beyer

Rep. Ryan Deckert

Rep. Elaine Hopson

Rep. Jerry Krummel

Rep. Judy Uherbelau

**MEMBER EXCUSED:** Rep. Jim Hill

**STAFF PRESENT:** B. Harrison Conley, Administrator

Samantha Demchak, Administrative Support

**MEASURE/ISSUES HEARD:** HB 2119 Work Session

HB 2373 Work Session

HB 3505 Work Session

HB 3461 Work Session

HB 2118 Work Session

HJR 39 Not Heard

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 55, A**

003	Chair Wells	Opens hearing at 8:30 a.m. Opens work session on HB 2119
<b><u>HB 2119 WORK SESSION</u></b>		
		Staff distributes hand- engrossed amendments <b>(EXHIBIT A)</b> .
015	Harrison Conley	Discusses provisions of HB 2119. Indicates there are -4 amendments.
022	Chuck Craig	Oregon Department of Agriculture (ODA). Indicates a work group was put together at the direction of Chair Wells. Notes no amendments have been adopted.
025	Chair Wells	Asks about the -2 amendments.
030	Craig	Reports that the -4 amendments incorporate everything the work group was able to agree on. Notes the issue that could not be resolved was deregulating animals that are not considered dangerous. Notes those animals would then be regulated under the Oregon Department of Fish and Wildlife's wildlife integrity rules.
050	Andrew Clark	State Veterinarian, Oregon Department of Agriculture. Testifies in support of HB 2119. Indicates one issue that needs to be discussed is the regulation of wolves. Discusses changes to the original statute <b>(EXHIBIT B &amp; C)</b> .
100	Clark	Notes that as written, the bill would exclude wolves. Recommends adding "any wolf or member of the family canidae."
105	Chair Wells	Asks if it would work to remove the brackets.
107	Clark	Notes if the brackets are removed, "family canidae" needs to be removed.
120	Chair Wells	Recommends a conceptual amendment.
125	Conley	Notes -section 1 of the original bill is section 3 in the amendments.
132	Rep. Uherbelau	Recommends clarification of the wolf issue.
162	Conley	Notes the changes made by the 4 amendments.
170	Clark	Clarifies the changes he would like to see made.

175	Rep. Beyer	Asks if indigenous wolves are included in HB 2119
179	Clark	Notes wolves would continue to be regulated exotic.
187	Rep. Beyer	Notes the wolf is indigenous to Oregon.
190	Clark	Notes the idea is to regulate all wolves.
197	Rep. Beyer	Reports the definition of exotic animal is "any wolf or member of the family not indigenous to Oregon."
203	Rep. Uherbelau	States the bill should leave out the "indigenous" language.
211	Clark	Notes coyotes are indigenous and ODA the Department of Agriculture would like to regulate them.
217	Rep. Beyer	Reiterates the wolf isn't indigenous to Oregon.
220	Rep. Uherbelau	Notes existing law limits it to indigenous.
239	Chuck Taylor	Legislative Council. Suggests it would be easier to split the matter into two paragraphs.
252	Conley	Notes the word wolf could be put after the phrase "family Canidae not indigenous to Oregon."
260	Taylor	Indicates it would be cleaner to separate the two issues.
269	Rep. Uherbelau	Asks about the original statute. Notes the Committee would be changing policy.
289	Taylor	Suggests/Implies the wording of the original statute is ambiguous.
297	Rep. Beyer	Asks where ODAFW got the authority to regulate wolves.
312	Clark	Responds ODAFW is to "regulate any wolf or any canine not indigenous to Oregon".
316	Taylor	Notes when a statute that can be interpreted more than one way is ambiguous and an agency is charged with carrying out the statute, the courts usually defer to the agency's reasonable interpretation is entitled to interpret as it sees fit.
322	Chair Wells	Asks if the word "indigenous" were removed would the wording be acceptable.
349	Taylor	Indicates what changes would have to be made.

351	Chair Wells	Asks if this bill can be moved.
360	Taylor	Answers yes.
361362	Rep. Krummel	<p><b>MOTION:</b>  <b>Moves to</b>  <b>AMEND HB</b>  <b>2119-4</b>  <b>amendments on</b>  <b>page 1,</b></p> <p><b>in line 18, after</b>  <b>"any," insert</b>  <b>"wolf; (4) aAny</b>  <b>non-wolf," and</b>  <b>on</b></p> <p><b>page 1, in line 20,</b>  <b>delete "4" and</b>  <b>insert "5".</b></p>
		<p><b>VOTE: 8-0</b></p> <p><b>EXCUSED: 1 - Hill</b></p>
Chair Wells		Hearing no objection, declares the motion CARRIED.
369	Rep. Krummel	<p><b>MOTION:</b>  <b>Moves to</b>  <b>ADOPT HB</b>  <b>2119-4</b>  <b>amendments</b></p> <p><b>conceptually</b>  <b>amended dated</b>  <b>4/28/99.</b></p>
		<p><b>VOTE: 8-0</b></p> <p><b>EXCUSED: 1 - Hill</b></p>
372	Chair Wells	Hearing no objection, declares the motion CARRIED.
386	Rep. Krummel	<p><b>MOTION:</b>  <b>Moves HB 2119</b>  <b>to the floor with</b>  <b>a</b></p>

		<b>DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 8-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Hill</b>
	<b>Chair Wells</b>	<b>The motion CARRIES.</b>  <b>Rep. WELLS will lead the discussion on the floor.</b>
411	Chair Wells	Closes work session on HB 2119. Opens work session on HB 2373. Staff distributes hand-engrossed bill and fiscal analysis to HB 2373 <b>(EXHIBIT D &amp; E).</b>
<b><u>HB 2373 WORK SESSION</u></b>		
<b>TAPE 56, A</b>		
011	Rep. Beyer	Indicates the -1 amendments originated from a public hearing. Adds crabs will be removed from the bill.
017	Joe Rohleder	Assistant to the Director, Oregon Department of Fish and Wildlife (ODFW). Testifies in support of HB 2373. States it costs Oregon residents \$20 to clam per tide on Washington beaches. Adds Washington residents can come into Oregon and clam for free. <b>(EXHIBIT F).</b>
030	Rep. Thompson	Asks if a person harvesting a mussel for bait in the process of fishing is required to get a shellfish license.
042	Kate Brown	ODFW. Answers the requirement for taking ocean fish is an angling license.
061	Rep. Thompson	Asks if OWFD would handle the warning the public in the case of paralytic shellfish poisoning.
070	Brown	Answers that is handled by the Department of Agriculture through their shellfish sanitation program.
082	Rep. Thompson	Asks what ODFW is going to do with the extra money brought in by the sale of licenses.
100	Brown	Responds ODFW will get additional inventory information on shellfish resources in Oregon.

110	Rep. Thompson	Asks if ODWF is going to hire another staff member to handle that task.
117	Brown	Indicates that would be the department's plan.
120	Chair Wells	Asks how the date issue would be worked into the bill.
132	Rohleder	Notes the bill could be conceptually amending to begin in January 1, 2000.
139	Rep. Beyer	Notes that would be appropriate.
140	Chair Wells	Indicates the three months would help ODFW.
143	Rep. Thompson	Asks how any shellfish assessment would be completed since shellfish are volatile in their populations.
150	Rohleder	Notes any study requires advice from the ODFW scientist.
169	Rep. Deckert	<p><b>MOTION:</b>  <b>Moves to</b>  <b>ADOPT HB</b>  <b>2373-1</b>  <b>amendments</b>  <b>dated</b>    <b>4/26/99</b></p>
		<p><b>VOTE: 7-0</b>    <b>EXCUSED: 1 - Hill</b></p>
175	Chair Wells	<b>The motion CARRIES.</b>
189	Rep. Beyer	<p><b>MOTION:</b>  <b>Moves HB 2373</b>  <b>to the floor with</b>  <b>a</b>    <b>DO PASS AS</b>  <b>AMENDED</b>  <b>recommendation.</b></p>
		<p><b>VOTE: 8-0</b>    <b>AYE: In a roll call vote, all members present vote Aye.</b></p>

		<b>EXCUSED: 1 - Hill</b>
193	<b>Chair Wells</b>	<p><b>The motion CARRIES.</b></p> <p><b>REP. BEYER will lead discussion on the floor.</b></p>
220	Chair Wells	Closes work session on HB 2373. Opens work session on HB 3505.
<b><u>HB 3505 WORK SESSION</u></b>		
		Staff distributes proposed amendments to HB 3505 ( <b>EXHIBIT G</b> ).
270	Rep. Tom Butler	District 60. Testifies in support of HB 3505. Indicates there is a concern with the -2 amendments. Requests the Committee only consider the -1 amendments.
320	Steve Johnston	Oregon Department of Transportation (ODOT). Notes there is one concern regarding the Federal Highway Administration.
	Chair Wells	Notes there is a limitation in this bill related to interstate highways.
362	<b>Rep. Uherbelau</b>	<p><b>MOTION:</b>  <b>Moves to</b>  <b>ADOPT HB</b>  <b>3505-1</b>  <b>amendments</b>  <b>dated</b>    <b>4/28/99.</b></p>
		<p><b>VOTE: 8-0</b></p> <p><b>EXCUSED: 1 - Hill</b></p>
372	<b>Chair Wells</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
384	<b>Rep. Uherbelau</b>	<p><b>MOTION:</b>  <b>Moves HB 3505</b>  <b>to the floor with</b>  <b>a</b>    <b>DO PASS AS</b></p>

		<b>AMENDED recommendation.</b>
		<b>VOTE: 8-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Hill</b>
	<b>Chair Wells</b>	<b>The motion CARRIES.</b>  <b>REP. BUTLER will lead discussion on the floor.</b>
412	Chair Wells	Closes work session on HB 3505. Opens work session on HB 3461.
<b><u>HB 3461 WORK SESSION</u></b>		
		Staff distributes hand- engrossed version of HB 3461 ( <b>EXHIBIT H</b> ).
<b>TAPE 55, B</b>		
022	Conley	Discusses provisions of HB 3461. Indicates there is a -1 amendment to HB 3461.
037	Rep. Kropf	Asks where the word "mint" is added.
042	Chair Wells	Responds on page 4, line 14 after "seed."
049	Dave Nelson	Oregon Seed Council. Indicates there is wording dealing with "overheight" that will need to be dealt with in the Senate.
053	Rep. Thompson	Asks if the changes are going to be done in the Senate.
054	Nelson	Responds it could be done in this committee or in the Senate.
059	Chair Wells	Asks where is the height issue.
065	Nelson	Answers in page 4, line 3. Indicates with those changes subsection (14) of this section could be deleted.



077	Rep. Thompson	Ask if these changes meet ODOT approval.
098	Kropf	Asks if this can be conceptually amended rather than sent it to be amended in the Senate.
102	Rep. Beyer	<p><b>MOTION:</b>  <b>Moves to</b>  <b>ADOPT HB</b>  <b>3461-1</b>  <b>amendments</b>  <b>dated</b>    <b>4/27/99.</b></p>
		<p><b>VOTE: 8-0</b></p> <p><b>EXCUSED: 1 - Hill</b></p>
	Chair Wells	Hearing no objection, declares the motion <b>CARRIED.</b>
120	Rep. Beyer	<p><b>MOTION:</b>  <b>Moves to further</b>  <b>AMEND HB</b>  <b>3461 on page 1,</b>  <b>by</b></p> <p>deleting line 4  and 5, and on  page 4, in line 3,  after "straw,"  insert</p> <p>"grass hay or cereal grain straw,"; and on page 4, in line 4, delete "4"and insert "6"; and in line 14, after "seed" insert "or mint leaves in sacks".</p> <p>4, in line 4, delete 4 "and insert " 6.</p>
		<p><b>VOTE: 8-0</b></p> <p><b>EXCUSED: 1 - Hill</b></p>
149	Chair Wells	Hearing no objection, declares the motion <b>CARRIED.</b>
189	Rep. Beyer	<p><b>MOTION:</b>  <b>Moves HB 3461</b>  <b>to the floor with</b>  <b>a DO PASS AS</b></p>

		<b>AMENDED recommendation.</b>
		<b>VOTE: 8-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Hill</b>
	<b>Chair Wells</b>	<b>The motion CARRIES.</b>  <b>Rep. KROPF will lead discussion on the floor.</b>
219	Rep. Kropf	Declares a potential conflict of interest due to his activity as a mint farmerthe shipping of his mint.
225	Chair Wells	Closes work session on HB 3461. Declares HJR 39 will not receive any more work from the Committee. Opens work session 2118.
<b><u>HB 2118 WORK SESSION</u></b>		
230	Conley	Discusses provisions of HB 2118.
240	Craig	Testifies in support of HB 2118. Notes the gut and stuff amendments were agreed upon after a great deal of consideration. Indicates this is an important issue all over Oregon.
245	Chair Wells	Asks if there is a fiscal impact statement.
248	Craig	Reports there is not.
250	Chair Wells	Asks if this issue will be brought to the next legislative session.
230	Dan Hillburn	Director Plant Division, Department of Agriculture. States it could be. Reports that noxious weeds are a problem throughout Oregon. States that there are many suggestions of how to take care of the problem.
241	<b>Rep. Beyer</b>	<b>MOTION: Moves HB 2118 to the floor with a</b>  <b>DO PASS recommendation.</b>
		<b>VOTE: 8-0</b>

		<b>EXCUSED: 1 - Hill</b>
<b>249</b>	<b>Chair Wells</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>245</b>	<b>Rep. Beyer</b>	<b>MOTION:</b> <b>Moves HB 2118</b> <b>to the floor with</b> <b>a</b>  <b>DO PASS AS</b> <b>AMENDED</b> <b>recommendation.</b>
		<b>VOTE: 7-0</b>  <b>EXCUSED: 2 - Hill, Uherbelau</b>
<b>250</b>	<b>Chair Wells</b>	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>Rep. HOPSON will lead the discussion the floor.</b>
<b>259</b>	<b>Chair Wells</b>	<b>Closes work session on HB 2118. Adjourns hearing.</b>

Submitted By, Reviewed By,

Samantha Demchak, B. Harrison Conley,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A - HB 2119, hand-engrossed amendments, staff, 4 pp.**

**B - HB 2119, fiscal impact, Andrew Clark, 2 pp.**

**C - HB 2119, written testimony, Andrew Clark, 1 p.**

**D - HB 2373, hand-engrossed, staff, 3 pp.**

**E - HB 2373, fiscal analysis, staff, 1 p.**

**F - HB 2373, written testimony, Joe Rohleder, 5 pp.**

**G - HB 3505, proposed amendments, staff, 1 p.**

**H - HB 3461, hand-engrossed, staff, 5 pp.**