

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 18, 1999 Hearing Room 50

4:30 P.M. Tapes 76 - 77

MEMBERS PRESENT: Sen. Gary George, Chair

Sen. Thomas Wilde, Vice-Chair

Sen. Tony Corcoran

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Bill Fisher

MEMBER EXCUSED:

STAFF PRESENT: Brad Harper, Administrator

Kristal Hatton-Nease, Administrative Support

MEASURE HEARD: SB 674 Public Hearing and Work Session

SB 678 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 76, A		
005	Chair George	Convenes meeting at 4:50 p.m. Opens public hearing on SB 674.
<u>SB 674 PUBLIC HEARING</u>		
009	Brad Harper	Committee Administrator. Explains SB 674 makes federally owned lands of less than 25,000 acres subject to state laws regulating fencing, estray livestock and

		livestock districts.
018	Glen Stonebrink	Executive Vice-President, Oregon Cattlemen's Association. Submits [EXHIBIT A] and explains the exhibit is a letter from John Hays about the requirement of obtaining a 401 certification. Explains what happened to Hays. Explains open range.
068	Stonebrink	Provides committee members with a handout [EXHIBIT B] . Discusses Oregon Constitution and state's rights.
118	Stonebrink	Continues discussing the Oregon Constitution and reads Article 9 which states "the enumeration of the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Says Article 10 states "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."
165	Sen. Fisher	Asks how this affects Bureau of Land Management where they utilize square miles. Asks if this would apply to them.
170	Stonebrink	Replies if it is less than 25,000 acres, then they would need to adhere to the open range laws.
190	Chair George	Closes public hearing on SB 674. Opens public hearing on SB 678.
<u>SB 678 PUBLIC HEARING</u>		
200	Harper	Explains SB 678 created offense of interference with agricultural operations. Adds it is punishable by a maximum imprisonment of five years, a \$100,000 fine, or both.
217	Glen Stonebrink	Testifies in support of SB 678. Says SB 678 was brought to Sen. Ferrioli's attention by the Oregon Cattlemen's Association. Says a Baker County farmer, John Hays, had two thoroughbred bulls shot for sport. Adds no one was ever charged in connection with the shooting, but says an eyewitness saw two young men with guns riding on motorcycles near the site. Explains the OCA asked Sen. Ferrioli to assist the OCA with something that could correct this type of damage and harassment that has been taking place in the agricultural community. Supports passage of SB 678.
240	Sen. Fisher	Gives personal experience of growing up in Washington.
247	Stonebrink	Says similar situations occur regularly, most of which the public never hears about.
253	Sen. Corcoran	Comments he supports SB 678 but says he is curious as to why it did not start out in the Senate Judiciary Committee. Asks if it will be referred to the Senate Judiciary Committee.

266	Chair George	Comments the committee can ask for SB 678 to be referred to the Senate Judiciary Committee.
270	Sen. Ferrioli	Explains he would be happy to confer with the Senate Judiciary Committee Chairmen about SB 678 and report back to the committee.
277	Sen. Dukes	Comments her neighbors cows frequently come on to her property. Asks if she is violating this if she shoos the animals away.
285	Stonebrink	Responds that would not fall under SB 678.
300	Sen. Dukes	Says the language in SB 678 is very broad. Adds she wants to be able to shoo her neighbors cattle away.
315	Stonebrink	Calls attention to line 17, which states "if someone acts in a manner that would reasonably be expected to". Adds the burden would be placed upon the owner of the animal to prove the intent.
328	Sen. Ferrioli	Says the clarification is online 11. Explains "interference" is the intentional or knowing injury, damage, or harassment. Adds that pursuing someone's own property rights does not fall under SB 678.
356	Chair George	Gives personal experience of when one of his cows kicked his motorcycle.
382	Stonebrink	Says an amendment could be added to the bill that says "if you are doing these things in a non-husbandry manner." Adds that if someone is out to harass something then he/she is outside the bounds of "husbandry manner."
396	Sen. Dukes	Says she has a little trouble with someone being put in jail for harassing a cow.
403	Sen. Ferrioli	Says this would also apply to situations where people have decided to liberate mink or to monkeywrench operations. Says there is a base for asking for this type of legislation. Says the committee can work on the precision of SB 678. Says he would appreciate the committee members' support of the concept of SB 678.
TAPE 77, A		
030	Alice Propes	Member, Small Woodlands Association. Submits [EXHIBIT C] on the behalf of Terry Lamers. Says she supports the amendments Lamers discusses in his letter.
070	Mike Miller	Executive Vice President, Associated Oregon Loggers (AOL). Submits [EXHIBIT D] and testifies in support of SB 678. Describes Oregon Associated Loggers. Says damage to logging equipment has been around since the first logging operation started. Explains that in the past 10-15 years, the logging

		industry has experienced a new type of attack on logging equipment commonly called environmental sabotage.
120	Miller	Comments on a book entitled, <i>Ecodefense, a Field Guide to Monkeywrenching</i> . Says the book explains in great detail, how to stop harvest operations. Says in the 1980s AOL started a program to assist logging contractors in preventing this type of damage. Estimates damage runs into millions of dollars. Says some county law enforcement officers patrol logging operations.
170	Miller	Says AOL has sent out a statewide alert to its members warning them that another wave of attacks may be coming and a startling new development is that logging on private land is now fair game. Describes several recent incidents of sabotage. Urges committee members to vote in favor of SB 678.
216	Chair George	Comments on a situation where he lost an engine because of something someone put in the engine oil. Says if someone can not prove the harassment or damage or even who did it, insurance companies often do not want to pay the cost for a new one.
232	Pete Test	Associate Director, Oregon Farm Bureau Federation. Testifies in support of the concept of SB 678.
244	Sen. Ferrioli	Suggests removing Section (c) from SB 678.
252	Chair George	Comments that without Section (c), the committee is back to current law.
258	Sen. Dukes	Comments Section (c) does not hold anything together.
265	Sen. Ferrioli	Says he does not think Section (c) adds anything to SB 678.
270	Ray Wilkeson	Oregon Forest Industries Council. Says OFIC is in agreement with AOL.
280	Chair George	Says there is a lot of work to be done on SB 678. Closes public hearing on SB 674 and opens work session on SB 674.
<u>SB 674 WORK SESSION</u>		
285	Sen. Ferrioli	MOTION: Moves SB 674 to the floor with a DO PASS recommendation.
		VOTE: 6-0
Chair George		Hearing no objection, declares the motion CARRIED.

		SEN. FERRIOLI will lead discussion on the floor.
390	Chair George	Closes work session on SB 674. Re-opens public hearing on SB 678.
<u>SB 678 PUBLIC HEARING</u>		
303	Harper	Says he spoke with Legislative Counsel and was told that Section (c) is what is different from current law.
317	Sen. Fisher	Comments on a situation in which someone shaved horsesí tails and says that created a traumatic situation for the horse. Adds he would think he would such an occurrence annoying and harassing, even though there was no visible injury. Says some circumstances can be annoying without doing monetary damage.
345	Chair George	Says he can see why Section (c) needs to be in SB 678.
350	Sen. Corcoran	Suggests having the Judiciary Committee look into SB 678 to clarify the committees concerns.
358	Sen. Ferrioli	Says he will confer with the chair of the Senate Judiciary Committee prepare an amendment.
363	Chair George	Adjourns meeting at 6:15 p.m.

Submitted By, Reviewed By,

Kristal Hatton-Nease, Brad Harper,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 674, written testimony, John Hays, 1 p.

B ñ SB 674, written testimony, Glen Stonebrink, 1 p.

C ñ SB 678, written testimony, Terry Lamers, 1 p.

D ñ SB 678, written testimony, Mike Miller, 3 pp.