

**SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

April 8, 1999 Hearing Room 50

4:30 p.m. Tapes 92-93

**MEMBERS PRESENT: Sen. Gary George, Chair**

**Sen. Thomas Wilde, Vice-Chair**

**Sen. Tony Corcoran**

**Sen. Joan Dukes**

**Sen. Ted Ferrioli**

**MEMBER EXCUSED: Sen. Bill Fisher**

**Sen. Marilyn Shannon**

**STAFF PRESENT: Brad Harper, Administrator**

**Karen O'Kelley, Administrative Support**

**MEASURES HEARD: SB 991 Public Hearing and Work Session**

**SJR 27 Public Hearing**

**SB 1237 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
<b>TAPE 92, A</b>		
005	Chair George	Convenes meeting at 4:52 p.m. and opens public hearing on SB 991.
<b><u>SB 991 PUBLIC HEARING</u></b>		

003	Brad Harper	Committee Administrator. Explains that SB 991 "specifies that no permit is required to take bear or cougar posing an immediate threat to personal or public safety." States this bill is intended to clarify existing law.
014	Rod Klawitter	Oregon United Sporting Dog Association (OUSDA). Testifies in favor of SB 991 and submits ( <b>EXHIBIT A</b> ). States earlier this session he testified on OUSDA's concern about the status of bear and cougar as a "big game" resource. Refers to newspaper articles included in <b>EXHIBIT A</b> .
045	Sen. Dukes	Asks Klawitter if he is aware of any verifiable report of a cougar attacking a person in Oregon.
047	Klawitter	Responds that he is not.
049	Sen. Corcoran	Asks Klawitter if he believes it would be legal to protect himself from a cougar.
052	Klawitter	Responds that in 1992 or 1993 three people were cited for "taking cougar that they claimed posed a personal threat."
067	Sen. Corcoran	Thinks that a person in Oregon would legally be authorized to defend themselves from an animal attack.
075	Klawitter	Believes that there is not a clear answer.
079	Chair George	Refers to a story where a man in Portland shot a dog.
085	Klawitter	Reiterates the confusion with the current law.
095	Sen. Dukes	Asks why the bill is limited to bear and cougar.
097	Klawitter	Responds that he is not sure.
103	Rod Harder	Oregon Sportsmen's Defense Fund. States that this bill may or may not be necessary to protect oneself. Explains that the bill goes beyond protecting oneself to include "public safety." States that Oregon needs better guidelines on how to proceed.
151	Sharon Harmon	Executive Director, Oregon Humane Society (OHS). Testifies against SB 991 and submits ( <b>EXHIBIT B</b> ). States that this bill is unnecessary because nothing in current law prohibits someone from using "deadly force" to prevent an attack from a bear or cougar. States that she is concerned about how the meaning of "immediate threat" could be interpreted.
183	Sen. Dukes	States that as the population climbs, cougars are showing up in unexpected

		places. Refers to a story about a constituent from Astoria who had a cougar show up in her front yard.
195	Harmon	Believes that if people feel that their life is in danger, then they "should be able to kill that animal."
201	Sen. Dukes	States that some of the laws are confusing.
206	Sen. Corcoran	Asks if cougars are becoming "bold in their behavior toward human beings" because they do not have any natural predators.
226	Harmon	Responds that other cougars are their natural predators.
239	Rich Berry	Wildlife Division Director, Oregon Department of Fish and Wildlife (ODFW). Submits ( <b>EXHIBIT C</b> ). Explains that the ODFW advises people to "take an animal" that is causing immediate danger. Refers to guidelines included in <b>EXHIBIT C</b> .  States concern that the language in the bill is vague regarding what would be considered an "immediate threat." Believes that individuals already have the authority to do what is outlined in SB 991.
297	Chair George	Asks if the guidelines included in <b>EXHIBIT C</b> could be included as administrative rules to carry out the intent of the bill.
309	Berry	Responds that the guidelines could be converted into administrative rules. States that animal damage control is a top priority of his staff.
322	Chair George	Asks Berry if he has noticed "an increasing level of boldness on the part of the cougars."
326	Berry	Responds that the numbers do appear to be increasing based on the number of complaints. Adds that some cougars have established residence on the Willamette Valley floor.
340	Sen. Corcoran	Refers to reference in <b>EXHIBIT C</b> about bears. Asks about "teeth popping."
345	Berry	Explains that it is a type of confrontational behavior.
361	Sen. Corcoran	Asks Berry if he has any record of bears being "aggressively in an attack mode toward humans."
371	Berry	Responds that he would need to ask his staff.

377	Sen. Corcoran	Asks Berry if he is familiar of any convictions relating to "cougar takings."
382	Berry	Responds that he is not aware of the specific cases.
393	Chair George	Asks a hypothetical question about a cougar "taking a cat" and a person being able to "take the cougar."
410	Berry	Responds that the guidelines included in <b>EXHIBIT C</b> include the loss of pets and animals. Adds that it would be ok for a person to "take the cougar" in that situation and report it to the ODFW.
422	Jeff Watkins	Oregon Chapter, Sierra Club (SC). States that the SC is opposed to the bill. States that the ODFW already has adequate authority to deal with threatening situations. Comments that the SC is concerned about how people would interpret "immediate threat."
449	Patrick Buckley	Testifies in opposition to SB 991.
<b><u>TAPE 93, A</u></b>		
002	Buckley	States that SB 991 is very vague. States that currently, a permit is not required to kill a cougar if a person's life is in danger. Comments that there has never been a documented cougar attack in Oregon.
015	Chair George	Asks Buckley if he is worried about a person in Oregon being "eaten" by a cougar.
032	Buckley	Responds that a person is allowed to kill a cougar if they are being attacked or if a pet is being attacked.
049	Andrea Bauch	Opposes the bill. States that the ODFW has guidelines in place that allow person "to take a cougar" if their life is in danger.
070	Chair George	Closes public hearing on SB 991 and opens work session on SB 991.
<b><u>SB 991 WORK SESSION</u></b>		
075	Sen. Dukes	States that she is concerned that the bill is limited to bear and cougar. Believes that coyotes pose a threat to people as well.
094	Sen. Wilde	Asks why this bill is necessary.
099	Chair George	Asks if anyone would like to answer the question.

102	Harder	Responds to Sen. Dukes comments. States that coyotes are considered predators and not considered "game" animals. Explains that cougars are "game" animals.
121	Chair George	Asks Berry to answer Sen. Wilde's question.
125	Sen. Wilde	Asks if people have the right to protect themselves through current laws.
127	Berry	Responds yes.
129	Sen. Wilde	Asks Berry, if in his opinion, if the additional wording in statute is necessary.
131	Berry	Responds that it is not necessary.
132	Chair George	Closes work session on SB 991 and opens public hearing on SJR 27.
<b><u>SJR 27 PUBLIC HEARING</u></b>		
139	Harper	Explains that SJR 27 is a "resolution expressing support for researched and industry tested livestock and accepted animal husbandry practices, education programs that present facts of animal production, scientific research involving animals, and wildlife management practices that ensure population viability for future use." Continues to describe SJR 27.
158	Michael Twain	Oregon Pet Industries Association (OPIA). Testifies in support of SJR 27 and submits ( <b>EXHIBIT D</b> ). Believes that SJR 27 would provide a backbone for a body of policy for many issues in the pet industry.
186	Sen. Dukes	Refers to <b>EXHIBIT D</b> and the list of what SJR 27 opposes. States that OPIA's list seems very broad. Asks question about educational materials in the public schools.
231	Twain	Agrees with Sen. Dukes comments. Responds with various examples.
260	Sen. Dukes	Asks what companies he represents from the pet industry.
262	Twain	Responds that he represents retailers, wholesalers, veterinarians, and breeders.
274	Sen. Dukes	Asks if the OPIA represents the owners of pet stores in malls.
276	Twain	Responds that it does.
277	Chair George	Refers to earlier comments regarding educational materials in public schools.

294	Sen. Wilde	Asks Twain why he is trying to "muddy the waters" with the areas that the OPIA opposes.
326	Twain	Responds that this bill is the result of many factions working together. States that they have attempted to be very clear.
340	Sen. Wilde	States that he needs to think about the wording.
354	Harder	National Animal Interest Alliance (NAIA). Discusses a mistake in the bill. States that the bill should read the "NAIA and not the Oregon Animal Interest Alliance." States that the NAIA is comprised of "a vast variety of animal users."
398	Harmon	Urges the committee to oppose SJR 27 and submits <b>(EXHIBIT E)</b> . Cites statistics from a national study on public sentiment about animal legislation.  Believes that the bill is a "step backward."
457	Chair George	States that SJR 27 includes a lot of ideas that seem to go along with the points that Harmon made.
465	Harmon	Agrees that there are some positive phrases in SJR 27.
<b><u>TAPE 92, A</u></b>		
001	Sen. Wilde	Cites an example of drug testing on animals. States that animals cannot come before people. States that there do not appear to be any alternatives.
026	Harmon	States that she would like to see alternatives as well. States that the OHS is a strong advocator for the welfare of animals. States that the OHS is not an animal rights organization.
042	Susan Mentley	OHS. Testifies against SJR 27 and submits <b>(EXHIBIT F)</b> . States that the OHS teaches empathy and compassion to school children who take field trips to the OHS.
101	Chair George	Asks if it is wrong to keep an animal on a chain.
105	Mentley	Responds that limited amounts of time are appropriate.
118	Chair George	Asks Mentley if state agencies are doing a good job.
125	Mentley	Asks Chair George which agencies he is referring to.

129	Chair George	Responds the Department of Agriculture and the ODFW.
135	Mentley	States that within their budget constraints, they are doing the best job that they can.
138	Chair George	States that some of the budgets have a 100 percent increase from two years ago.
142	Watkins	States that the SC is opposed to SJR 27. Believes that the proponents of the bill feel that their industries "are under attack."
178	Buckley	States that SJR 27 is unnecessary. Discusses the idea that "animal rights" means something different to everyone.
216	Sen. Wilde	Comments that, as a society, we need to be more accepting of "less perfect" products.
233	Buckley	States that using an umbrella term like "animal rights" is ludicrous.
259	Bauch	Believes that the pet industry wants to sell live animals and nothing more. States that product testing does not protect people.  Refers to education in public schools. States that children should be taught the most humane way to interact with animals. States that this resolution would impose rules on what could be taught in public schools.
355	Sen. Wilde	States that the resolution does mention companionship which is a humane interaction between species.
367	Eileen Stark	Animal Legal Defense Fund (ALDF). Testifies in opposition to the resolution. States that "teaching empathy toward animals" should be mandatory in public schools.
403	Chair George	Speaks hypothetically about the idea of equating animals and humans on an equal basis. Wonders if this idea is "lending some children to shoot other children."
425	Stark	States that "there is a well documented link between animal abuse and violence toward humans."  States that the ALDF works directly with prosecutors of law enforcement to enforce Oregon's Anti-Cruelty Law. Comments that the resolution might impact proposed legislation relating to animals.
<b><u>TAPE 93, B</u></b>		

001	Stark	Comments that this resolution is a statement of policy "which would impact all future efforts to make Oregon a more humane place for humans and animals alike."
005	Chair George	Asks a hypothetical question about the cattle industry.
009	Stark	Responds that the cattle would die naturally.
013	Sen. Wilde	Tells a story about his son discovering that nature is not friendly.
030	Stark	States that "the way we raise our food behind closed doors on factory farms is not natural."
033	Sen. Wilde	States that it serves a purpose.
036	Stark	Responds that people do not need to only eat meat.
044	Cindy Robert	<p>Martin and Associates. Testifies in favor of SJR 27. States that she was involved in drafting this legislation on behalf of the Oregon Pet Industry Association and the NAIA. Refers to Harmanis testimony about respect and compassion for animals. Refers to page 1 of the resolution which discusses the "wise use of domestic animals."</p> <p>Refers to Watkins testimony about why he thought the resolution was written.</p> <p>Addresses concerns regarding the "interpretation of public funds." Suggests deleting on page 2, lines 27 and 28.</p>
097	Chair George	Refers to page 1, lines 4 and 5 and the idea of "promoting public understanding."
112	Wilde	States that "many people put human characteristics on animals." Explains that those people would be offended by the wording "wise use of."
128	Robert	Asks Sen. Wilde what other wording could be used. States that this is a resolution not a statute.
		Agrees with Harmonis statistics included in <b>EXHIBIT E</b> .
168	Chair George	States that many people would agree that the OHS is part of the pet industry.
172	Chair George	Closes public hearing on SJR 27 and opens public hearing on SB 1237.
<b><u>SB 1237 PUBLIC HEARING</u></b>		



181	Harper	Explains that SB 1237 "imposes a surcharge for unauthorized taking of wildlife. Requires that moneys be used for hunter safety education or training."
195	Bradd Swank	State Court Administrators Office. Refers to page 1, line 28. Explains that the word "fine" should be changed to "damages." Comments that in court, there is a huge distinction between the two.
212	Sen. Wilde	States that a "fine" is not considered "damage."
216	Swank	Responds that is correct.
		States that there is a separate group of statutes that deal with "fines."
233	Wilde	Continues discussion about "fines."
238	Swank	States that if the bill used the word "fine," then "we are required by statute to send all of that money to a separate direction other than the ODFW."
250	Sen. Wilde	Asks why not change the statement to, "a person who unlawfully takes wildlife shall pay a surcharge in the amount of \$10 dollars or 10 percent whichever is greater."
254	Swank	Responds that the surcharge is in addition to the damages.
263	Chair George	Asks if line 5 could "begin with the recovery of damages."
265	Swank	Responds that it could.
268	Berry	Testifies in support of SB 1237 and submits <b>(EXHIBIT G)</b> . Refers to the last page of bill which states "wildlife to be used for hunter safety education or training purposes." Suggests changing the word "safety" to "hunter and angler education programs" so that funds from angling violations could be used to support angling education programs.
290	Chair George	Asks if the idea for this bill originated from the ODFW.
292	Berry	Responds that it did not.
300	Sen. Wilde	Asks if the hunter and angler programs are separate.
303	Berry	Responds that they are within the same educational program.

316	Chair George	Asks what the revenue yield would be.
320	Berry	Estimates that the maximum might be \$25,000.
334	Sen. Wilde	Asks if there would be a filling fee to file suit.
335	Berry	Responds that there would be.
344	Swank	Explains that state agencies can collect filling fees as a part of the damages if they win the case.
365	Sen. Wilde	Asks what is the rational for deciding on 10 percent.
368	Berry	Responds that it is not their bill.
374	Chair George	Closes the public hearing on SB 1237 and adjourns meeting at 7:00 p.m.

Submitted By, Reviewed By,

Karen O'Kelley Brad Harper

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ SB 991, written testimony and newspaper articles, Rod Klawitter, 5 pp**

**B ñ SB 991, written testimony, Sharon Harmon, 1 p**

**C ñ SB 991, written testimony, Rich Berry, 3 pp**

**D ñ SJR 27, written testimony, Michael Twain, 1 p**

**E ñ SJR 27, written testimony, Sharon Harmon, 1 p**

**F ñ SJR 27, written testimony, Susan Mentley, 1 p**

**G ñ SB 1237, written testimony, Rich Berry, 1 p**

