

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 4, 1997 Hearing Room D

08:30 AM Tapes 35 - 36

MEMBERS PRESENT:

Rep. Charles Starr, Chair

Rep. Terry Thompson, Vice-Chair

Rep. Dennis Luke

Rep. Ken Messerle

Rep. Kurt Schrader

Rep. Judith Uherbelau

Rep. Larry Wells

MEMBER EXCUSED:

STAFF PRESENT:

Judith Gruber, Administrator

Linda Kowal, Administrative Support

MEASURE/ISSUES HEARD:

HB 2499 Public hearing and work session

HB 2188 Public hearing and work session

HB 2448 Work session

HB 2659 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 35, A		
003	Chair Starr	Calls meeting to order at 8:30 am. Opens public hearing on HB 2499.

HB 2499		
<u>PUBLIC</u>		
<u>HEARING</u>		
015	Rep. Larry Sowa	District 26, Oregon City. Rod Harder is with him.
031	Rep. Uherbelau	Asks is this the -2 amendments.
025	Rep. Sowa	Responds affirmatively, the -1 amendments were incorrect.
031	Rod Harder	Executive Director of the Oregon Sportsmen's Defense Fund, Inc. (EXHIBIT A) States there has been significant changes in the last 24 hours and referring to the exhibit, states he will go through and paraphrase.
049	Harder	States there is serious concern regarding accountability.
081	Harder	Goes through the amendment.
106	Rep. Uherbelau	Asks if he is talking about when they approve or disapprove program recommendations by the board.
109	Harder	Responds affirmatively.
116	Rep. Uherbelau	Suggests to add language that says <u>board proceedings</u> .
120	Harder	Refers to sub paragraph 4 and the next five items.
157	Harder	Refers to section 3, line 28 managing cougars.
167	Harder	Refers to line 42 regarding 10 elk tags and 10 deer tags to use at fund raisers.
191	Harder	Asks if there are any questions regarding the amendments? There are none. Continues with closing testimony.
222	Chuck Woosley	Citizen from Corvallis, Oregon, testifies in opposition to HB 2499. (EXHIBIT B) States he was unaware of the amendments.
250	Woosley	Reads written testimony, and adds to the end "as it is currently written in the original bill."
271	Ivan Sanderson	President of the Capitol Chapter of the Oregon Hunters Association. States support for the bill with the amendments Harder stated. Gives testimony on the program.
330	Rod Ingram	Acting Director of the Department of Fish and Wildlife. Has Jim Greer with him. Reads from written testimony. (EXHIBIT C)
404	Rep. Uherbelau	Asks is what you're saying that what this bill proports to do can be done with the existing system.
414	Ingram	Responds affirmatively.
418	Rep. Schrader	Ask does the board currently have administrative rules.
420	Jim Greer	Director of Fish and Wildlife. Responds they operate under Statute 2538.
426	Rep. Schrader	Asks have the rules been updated or changed.

	Greer	Responds "no they really haven't, they have been in place since the beginning of the board, approximately three years ago, and they've been operating under those rules since."
TAPE 36, A		
013	Chair Starr	States from your testimony, you can take care of these concerns. Asks, specifically what part of the recording of data is beyond what is acceptable to the department.
025	Ingram	Refers to subsection 3, A through E section.
038	Jim Greer	Director of the Wildlife Division for the Oregon Department of Fish and Wildlife. States there are steps an individual must go through to get a grant agreement and outlines the particulars. States there is a final completion report that outlines what was accomplished.
061	Chair Starr	Asks is the report assembled for the legislature.
062	Greer	States that the projects take several months to complete.
073	Ingram	States this will be presented to Ways and Means in April, but can make it available to the House and Senate Committees' on Agriculture and Natural Resources.
075	Rep. Uherbelau	Asks has this been asked of the board before.
083	Rod Harder	States he has been before the board and commission as stated in his written testimony.
091	Rep. Uherbelau	States as she understands it, those who are paying the license fees don't feel they are getting their dollars worth. Asks Harder if he feels this can and will be done in another way other than statute.
111	Harder	States if he had assurances that things would be put in effect, yes.
113	Rep. Luke	States "there is a very good letter that is part of the record of this committee now, that perhaps a letter from this committee to the Ways and Means Committee asking that this letter be made part of the budget note in the Fish and Wildlife budget, would that help?"
136	Harder	Responds affirmatively and states that Rep. Sowa would need to be consulted.
140	Rep. Schrader	Asks would this also address access verses habitat.
142	Ingram	Refers to written information that the funds now exceed 50 percent.
149	Rep. Schrader	Asks whether Harder agrees it addresses the concerns proposed in the amendment.
134	Harder	Negative. That paragraph states what they currently do, his concern is what will happen if the board, commissioner, administrator and climate changes.
138	Rep. Luke	States the advantage of an internal budget note.
146	Ingram	

		States an alternative is to petition the commission for a rule change, states he has no problem with a budget note.
154	Chair Starr	Asks for further questions, none.
157	John McCulley	Representing Oregon's Cattleman Association (EXHIBIT D) States the ideas discussed by the committee are preferable to having legislation passed.
161	Chair Starr	Closes public hearing on HB 2499, opens work session on HB 2499.
<u>HB 2499</u> <u>WORK</u> <u>SESSION</u>		
187	Rep. Luke	"...Move that this committee send a letter down to Ways and Means with a copy of the letter dated March 3, 1997 by Jim Bluzard recommending that Ways and Means add the provisions of this letter as a budget note to the Fish and Wildlife Access and Habitat Board budget."
202	Rep. Schrader	States the letter does not address the split of the funds.
210	Rep. Luke	Responds that they need to make a case to the Board and possibly to Ways and Means.
216	Rep. Uherbelau	States her agreement with Rep. Luke. Suggest we put in our letter that there was no issue of how the funds are used now, but, suggest that they continue in the manner they are operating now, in the future.
225	Chair Starr	"Is there any dissent from this, if not so ordered." Closes the work session on HB 2499 and opens work session on HB 2448.
<u>HB 2448</u> <u>WORK</u> <u>SESSION</u>		
	Chair Starr	The intention is to move this bill back to the floor. Closes the work session on HB 2448 after realizing that one of the members is temporarily out of the room. Opens public hearing on HB 2188.
<u>HB 2188</u> <u>PUBLIC</u> <u>HEARING</u>		
289	Jim Greer	Director of the Wildlife Division for the Oregon Department of Fish and Wildlife. States this bill takes the sunset off and establishes it for 2003.
312	Jim Ebert	Representing the Portland Chapter of the Oregon Hunters Association. Formally states to the committee to disregard an amendment to increase the fees that was requested at the last meeting. (EXHIBIT E).
326	Chair Starr	Closes the public hearing on HB 2188, opens work session on HB 2188.

<u>HB 2188</u> <u>WORK</u> <u>SESSION</u>		
333	Rep. Thompson	MOTION: Moves HB 2188 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Messerle
	Chair Starr	The motion CARRIES. REP. THOMPSON will lead discussion on the floor.
360	Chair Starr	Closes work session on HB 2188, opens public hearing on HB 2659.
<u>HB 2659</u> <u>PUBLIC</u> <u>HEARING</u>		
400	Rep. Thompson	States this bill is to allow fisherman to become marketing associations and trade organizations and the reasons why.
434	Rep. Uherbelau	Asks what the fisherman's association would be doing.
448	Rep. Thompson	States the difficulty associated with the inability to communicate.
TAPE 35, B		
014	Rep. Uherbelau	States for clarification that the objective is not to have collusion.
023	Rep. Thompson	States this industry needs a base price to work from.
030	Rep. Schrader	Asks do the industries dictate the prices.
036	Rep. Thompson	Responds affirmatively, the individual needs some form of recognition.
051	Rep. Luke	States for clarification that what Rep. Thompson is discussing formal communication and not conversation.
052	Pete Shepherd	Attorney, in charge of the financial fraud section at the Oregon Department of Justice. Gives testimony on the legalities involved in this bill. (EXHIBIT F)
093	Rep. Luke	Is there anything in the bill that would require participation.
100	Shepherd	Negative. States there can be no compelling actions to force participation.
116	Rep. Luke	Asks what if there was.

117	Shepherd	Responds "then if there is a violation of that limitation, then the anti-trust immunity, which otherwise would be enjoyed by the participants in the association, is lost and they are then exposed to both the criminal and the civil remedies the anti-trust laws provide by both under federal and state law."
124	Rep. Wells	Refers to a letter he received and ask what the position was.
135	Shepherd	The letter is from Michael Parker. States the present investigation and prosecution includes allegations that Rep. Luke described. Refers to a letter from the Attorney General and ask that the committee review it.
157	Rep. Thompson	States this bill help to bring the state and federal laws together.
165	Chair Starr	Asks if the amendments are the -1 amendments (EXHIBIT G).
170	Rep. Messerle	Concern with other commodity groups who do discuss prices.
174	Shepherd	States that anit-trust laws prevent collusion to fix prices not just casual social exchanges.
196	Rep. Messerle	Asks are there clear guidelines to follow.
200	Shepherd	States the law does not have a black and white line, however, their department wrote a letter with respect to when conduct becomes a violation of anti-trust laws. Offer to provide a copy of that letter.
234	Rep. Luke	Makes a statement about the perishable nature of fish versus other commodities.
240	Rep. Thompson	Comments with crab there are some storage options not available to fish harvests.
245	Rep. Luke	Asks for the record, " the Attorney General supports the bill and the amendment."
250	Shepherd	Affirmative, the bill with the amendment.
251	Chair Starr	Calls Paul Hanneman.
256	Paul Hanneman	Representing the West Coast Seafood Processors Association. Refers to written testimony and states he will read it.(EXHIBIT H)
266	Hanneman	Continues reading testimony.
311	Rep. Luke	States "if your association would put together a short series of questions you want on the record, I would be happy to ask them during the work session and I'm sure Rep. Thompson would be happy to answer them."
322	Chair Starr	Closes public hearing on HB 2659 and opens work session on 2448.
<u>HB 2448</u> <u>WORK</u> <u>SESSION</u>		

339	Rep. Luke	MOTION: Moves HB 2448 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-3 AYE: 4 - Luke, Messerle, Wells, Starr NAY: 3 - Schrader, Thompson, Uherbelau
	Chair Starr	The motion Carries. REP. MESSERLE will lead discussion on the floor.
359	Rep. Uherbelau	States "the clerk informed me that I should make an oral representation of a possible minority report, even though we've done it in the past, so I will do that now with the understanding that that may not happen." States that Rep. Thompson joins her.
377	Chair Starr	Closes work session on HB 2448. Setting HB 2189 for a future date. Adjourns meeting.

Submitted By, Reviewed By,

Linda Kowal, Judith Gruber,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2499 written testimony, Rod Harder, 5 pp.

B - HB 2499 written testimony, Charles Woosley, 2 pp.

C - HB 2499 written testimony, Rod Ingram, 4 pp.

D - HB 2499 written testimony, John McCulley, 1 pp.

E - HB 2188 written testimony, Jim Ebert, 1 pp.

F - HB 2659 written testimony, Peter Shepherd, 2 pp.

G - HB 2659 proposed amendment, Rep. Thompson, 2 pp.

H - HB 2659, written testimony, Paul Hanneman, 1 pp.