

**HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**April 8, 1997 Hearing Room D**

**08:30 AM Tapes 57 - 58**

**MEMBERS PRESENT:**

**Rep. Charles Starr, Chair**

**Rep. Dennis Luke**

**Rep. Ken Messerle**

**Rep. Judith Uherbelau**

**Rep. Larry Wells**

**MEMBER EXCUSED: Rep. Kurt Schrader**

**Rep. Terry Thompson**

**STAFF PRESENT:**

**Judith Gruber, Administrator**

**Linda Kowal, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 3252 Work Session**

**SB 109 Public Hearing**

**SB 389 Public Hearing and Work Session**

**HB 3344 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 57, A</b>		
<b>006</b>	<b>Chair Starr</b>	<b>Opens meeting, opens work session on HB 3252.</b>

<b><u>HB 3252</u></b>		
<b><u>WORK</u></b>		
<b><u>SESSION</u></b>		
007	Rep. Luke	<b>MOTION: Moves to ADOPT HB 3252-1 amendments dated 04/03/97.</b>
010	Rep. Luke	<b>Asks for the Oregon Department of Agriculture (ODA) to indicate if they are in agreement with the -1 amendments.</b>
012	Chair Starr	<b>States the ODA has indicated they concur with the -1 amendments.</b>
013	Rep. Luke	<b>Asks Rep. Kruse to indicate if he is concurs with the -1 amendments.</b>
014	Chair Starr	<b>Asks staff to brief the committee on the -1 amendments.</b>
016	Judith Gruber	<b>Policy Analyst. Refers to the hand engrossed version of HB 3252 including the -1 amendments. (EXHIBIT A) States the original fiscal estimate was \$40,000. The department indicates that with the amendments, fiscal will be reduced to approximately \$10,000 the first year to initiate the program.</b>
025	Rep. Messerle	<b>Where is the \$10,000 coming from.</b>
027	Chair Starr	<b>States this has not been determined. States his intention is to send this to the floor and may send it to the Senate Ways and Means. Closes work session on HB 3252 and opens public hearing on SB 109.</b>
029	Rep. Messerle	<b>States his concern is that Ways and Means will want a source for the funds before sending it to them.</b>
032	Chair Starr	<b>Responds that according to fiscal, this is small enough amount to forego at this point.</b>
036	Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>
038	Rep. Luke	<b>MOTION: Moves HB 3252 to the floor with a DO PASS AS AMENDED recommendation.</b>
041		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Schrader, Thompson</b>
	Chair Starr	<b>The motion CARRIES.</b> <b>REP. KRUSE will lead discussion on the floor.</b>
047	Chair Starr	<b>Closes work session on HB 3252, opens public hearing on SB 109.</b>

<b><u>SB 109</u></b>		
<b><u>PUBLIC</u></b>		
<b><u>HEARING</u></b>		
052	Charlie Stone	Director of the Forest Practices Program for the Department of Forestry. States support for the bill and refers to written testimony. (EXHIBIT B)
093	Stone	Proposes amendments to the bill. Refers to page 8 of Exhibit B.
112	Stone	With permission from the Chair, goes over the five different sections of the bill referring to written testimony.
134	Stone	Continues with overview and states that "section four is really the meat of the bill."
150	Chair Starr	Asks Stone to identify what is considered an "operation."
153	Stone	Responds an operation is a discrete activity, such as, a landowner of 200 acres harvesting 20 acres. Currently it's a requirement to contact the State Forester 15 days in advance of their intent.
160	Chair Starr	Asks would an operation like a landowner wanting to prune lower branches be included.
171	Stone	Responds there are certain types of activities that don't rise to the level of requiring notification. Gives some examples.
182	Stone	Refers to section 4 and 5.
193	Rep. Messerle	Concerned about credibility with the public. Asks how would the people involved be accountable.
206	Stone	Responds that initially participants would most likely be the larger timber companies. The intention is this would apply to any forest landowner that has demonstrated the ability to comply with the Forest Practices Act.
230	Stone	Continues with testimony and refers to periodic audits.
260	Rep. Messerle	States there should be some parameters.
266	Stone	Responds this is framework legislation. The Board of Forestry would need to clarify the criteria of who can participate and under what circumstances. Agrees that this needs some work.
270	Chair Stone	Refers to the attachment starting on page 5 of the written testimony.
275	Stone	States this was intended to inform the committee of what is anticipated through rule making or writing agreements.
282	Rep. Messerle	Asks are there any deficiencies financially.
306	Stone	Responds that initially the purpose of the bill was to shift their efforts from the larger landowners who know what they have to do, to the smaller landowners who need their assistance.
300	Rep. Messerle	Asks with the salmon recovery plan you would require more staff if you didn't do something like this.

329	Stone	Affirmative.
336	Ray Wilkeson	Oregon Forest Industry Council. States that this is an optional and voluntary approach. Basically recognizes the stewardship agreements and what a lot of forest landowners are doing anyway in terms of restoration enhancement.
383	Chair Starr	Closes public hearing on SB 109 A. States the proposed amendments will be drafted and the bill brought back for a work session. Opens public hearing on SB 389.
<b><u>SB 389</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
405	Gil Riddell	Council of Forest Trust Land Counties. Begins presentation on white board. States there are 15 Forest Trust Land counties that have transferred land over to the state for management. The counties participate in forest management decisions and take part in the revenues.
455	Riddell	Continues with testimony.
485	Riddell	Continues with testimony. States the Forest Trust Land Advisory Committee has been dormant. The Council of Forest Trust Land Counties is keeping the board and the State Forester informed on issues that affect the counties.
<b>TAPE 58, A</b>		
046	Rep. Wells	Asks why the name is so important.
050	Riddell	Responds the appointing authority is different and there is broader representation.
057	Rep. Messerle	Asks is there any opposition to this.
058	Riddell	Responds not to his knowledge. There was no opposition in the senate and they have support from the Department of Forestry.
060	Rep. Messerle	Asks if the Governor has indicated his support.
062	Chair Starr	Inquires about the 2 members who are not elected.
065	Riddell	Responds that the Chair and the Vice Chair of the Council of Forest Trust Land Counties are elected by all the member counties. The 5 other board members are elected by 5 groups of counties.
073	Ray Craig	Assistant State Forester with the Department of Forestry. Refers to written testimony. States the department supports this bill and the Governor is aware of this support.
079	Rep. Luke	Asks if they received any negative testimony.
080	Craig	Answers no.
083	Chair Starr	Closes the public hearing and opens work session on SB 389.

<b><u>SB 389</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
<b>084</b>	<b>Rep. Luke</b>	<b>MOTION: Moves SB 389 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0</b>  <b>AYE: 4 - Luke, Messerle, Wells, Starr</b>  <b>EXCUSED: 3 - Thompson, Schrader, Uherbelau</b>
	<b>Chair Starr</b>	<b>The motion CARRIES.</b>  <b>REP. LUKE will lead discussion on the floor.</b>
<b>094</b>	<b>Chair Starr</b>	<b>Closes work session on SB 389 and opens public hearing on HB 3344.</b>
<b><u>HB 3344</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
<b>106</b>	<b>Rep Simmons</b>	<b>District 58. States the purpose of the bill. Comments that this is very important to people in rural parts of the state and it is increasingly becoming a concern in the metropolitan areas of the state.</b>
<b>120</b>	<b>Rep. Simmons</b>	<b>Tells a personal story regarding cougars. States we need to have the ability to manage the population. States it is a matter of public safety and cougar sitings are up. Gives a brief explanation of how cougar populations behave.</b>
<b>164</b>	<b>Rep. Messerle</b>	<b>Comments that every city in Curry county and one or two in Coos county has had a cougar shot within city limits. The population has increased tremendously and they are very difficult animals to hunt.</b>
<b>183</b>	<b>Rep. Uherbelau</b>	<b>States she does not see the connection. How is lowering the tag fee and opening the season year round going to address this problem.</b>
<b>192</b>	<b>Rep. Simmons</b>	<b>Responds that \$50 for a chance siting is a gamble. Lowering the fee to \$10 makes it more reasonable and more affordable.</b>
<b>211</b>	<b>Rep. Uherbelau</b>	<b>Prior to the bear and cougar bill the \$50 fee didn't stop people from hunting them. States she still does not see the connection unless the purpose of the bill to be able to shoot them when see them in your chicken yard.</b>
<b>220</b>	<b>Rep. Simmons</b>	<b>Responds that prior to the measure the fee was \$50. At that time there was a drawing and you could hunt them with hounds. States you'll probably not see one without hounds.</b>
<b>233</b>	<b>Rep. Uherbelau</b>	<b>States her concern is that this bill is trying to circumvent Measure 18. This has been before the public twice, and twice the citizens of</b>

		Oregon have said they want restrictions. Asks Simmons to respond to this.
255	Rep. Simmons	States that he sees this as a public safety issue and not as a way to circumvent Measure 18. This bill has no mention of hounds.
276	Rep. Luke	Gives the tag prices for elk \$25, deer \$10, antelope \$25. Comments that \$50 is high for animal that offers limited opportunities to shoot. Addresses Chair and Rep. Simmons and states that this is a game management bill. Cougars have no natural enemies. They have plenty to eat in the wild but when they're moved out to unnatural areas the whole dynamics change. They will go for easy prey such as small animals and some people.
295	Rep. Simmons	Comments there are population growth problems creating more interaction with humans.
300	Chair Starr	States the point of the previous initiative was to outlaw hunting with hounds which was viewed by the public as inhumane. Asks are you proposing that the harvest go back to pre-measure days.
312	Rep. Simmons	Responds he wouldn't expect it to. They are too hard to find.
320	Rep. Uherbelau	Asks that the Department of Fish and Wildlife discuss what has happened during the last two years.
340	Jim Greer	Chief of the Wildlife Division for the Oregon Department of Fish and Wildlife (ODF&W). (EXHIBIT E) States the department's primary concern with HB 3344 is, it removes the authority from ODF&W Commission to manage the cougar population.
371	Greer	Continues with testimony regarding the \$10 tag and damage complaints.
390	Rep. Uherbelau	Clarifies that this bill is not a management bill as Rep. Luke stated.
395	Greer	Replies this bill actually takes the management away.
401	Rep. Uherbelau	Asks why the fee was higher in the past.
402	Greer	Responds cougars were a limited opportunity and trophy animal. There were fewer of them.
418	Rep. Uherbelau	Refers to testimony from the 1995 legislation relating to controlled studies on the population. Asks if those continued and what are the results.
421	Greer	Affirmative, there are two studies. One in northeast Oregon and an ongoing study in southwest Oregon. The findings have not been published yet but the populations have maintained over time. The southwest portion where there is good habitat is filled with cougar. Young cats are displaced and getting into the agricultural areas.
TAPE 57, B		
040	Rep. Uherbelau	Confirms that the numbers have increased. Asks what is the percentage.

044	Greer	States the population, left unchecked, would increase about 6 percent a year. The estimated population across the state is 3,000 - 4,000.
053	Rep. Messerle	Would the amendments that Rep. Simmons discussed alleviate these concerns.
058	Greer	Responds essentially the commission would like to maintain their authority.
068	Rep. Messerle	Asks are there pockets where there are more problems than others.
071	Greer	Responds there are pockets of problems that tend to focus around livestock areas.
078	Rep. Messerle	Asks are these younger cougars male and female.
080	Greer	Responds mostly male.
086	Rep. Messerle	Refers to an incident about an older female being shot near a school. Asks if there are weaker cats moving into the fringe as well.
092	Greer	Affirmative. States there are times when they get injured and will stay in these areas.
093	Rep. Messerle	States last summer and fall it seemed there were more problems in city limits. Asks have you seen an increase and is it documented.
106	Greer	States the biologists are determining which are verifiable sitings. When there is a siting in city limits, they get a number of calls right away.
118	Rep. Messerle	Asks have they documented the takings inside city limits.
119	Greer	Affirmative. It is required that every animal be turned into the department.
123	Rep. Messerle	Asks what is the response time.
127	Greer	Responds that it depends on the report. They will generally respond right away.
145	Rep. Messerle	Comments that in discussions with people in his district, there seems to be a lack of authority and coordination.
159	Greer	Responds they haven't had these kind of experiences to the degree of the last year or two. The Gresham incident is a good example. States there needs to be a contact point in the smaller towns.
173	Rep. Luke	Ask if he knows the agencies response time to the call where a cougar walked into a house in LaPine.
175	Greer	Negative.
176	Greer	States from the standpoint of human safety, when an animal is inside a building there's nothing to keep the landowner from killing the animal.
188		

	<b>Charles Williamson</b>	<b>Attorney from Portland representing the Humane Society of the United States. Refers to written testimony. (EXHIBIT F)</b>
<b>250</b>	<b>Rep. Luke</b>	<b>Asks if there was anything with regard to tag fees in Measure 18.</b>
<b>252</b>	<b>Williamson</b>	<b>Negative.</b>
<b>258</b>	<b>Rep. Luke</b>	<b>Referring to the exhibit, asks how do cougars regulate their population.</b>
<b>259</b>	<b>Williamson</b>	<b>Answers by killing each other.</b>
<b>265</b>	<b>Williamson</b>	<b>States that taking away the ODF&amp;W ability to set the seasons and limits will make enforcement of Measure 18 difficult.</b>
<b>278</b>	<b>Carey Theil</b>	<b>Begins his testimony by commenting and reiterating from previous testimony. Reads from his written testimony. (EXHIBIT G)</b>
<b>302</b>	<b>Theil</b>	<b>Continues with testimony.</b>
<b>365</b>	<b>Theil</b>	<b>Continues with testimony.</b>
<b>406</b>	<b>Theil</b>	<b>Continues with testimony.</b>
<b>410</b>	<b>Rep. Luke</b>	<b>Refers to the last page of his testimony regarding the bold print. Asks that he provide the committee with data to back this up. (EXHIBIT H)</b>
<b>TAPE 58, B</b>		
<b>425</b>	<b>Kelly Peterson</b>	<b>Provides written testimony and states opposition to the bill. (EXHIBIT I)</b>
<b>025</b>	<b>Chair Starr</b>	<b>Addresses Greer and Rep. Simmons and states there seems to be some areas of agreement and a lot of areas of disagreement with this bill. Asks that they work together and find some common ground that would bring the fee down and leave the department managing this.</b>
<b>039</b>	<b>Rep. Simmons</b>	<b>States as he mentioned there is the possibility of several conceptual amendments and he would be happy to pursue that further.</b>
<b>043</b>	<b>Rep. Wells</b>	<b>States he is in agreement with the department's position.</b>
<b>057</b>	<b>Rep. Uherbelau</b>	<b>States there needs to be more discussion on the amendments.</b>
<b>067</b>	<b>Rep. Messerle</b>	<b>Asks, what is the issue, a year round season or a multi-year season.</b>
<b>071</b>	<b>Greer</b>	<b>Responds there are quotas in place now. With a year round season there would have to be some measure in the statute to enforce the quota.</b>
<b>078</b>	<b>Rep. Messerle</b>	<b>States his concern is different types of hunters hunt year round.</b>
<b>084</b>	<b>Greer</b>	<b>Responds they are trying to figure out what time of the year is most conducive to cougar hunting.</b>
<b>095</b>	<b>Chair Starr</b>	<b>Asks that a reasonable compromise be worked out and brought back to the committee. Closes the public hearing and adjourns meeting.</b>



**Submitted By, Reviewed By,**

**Linda M. Kowal, Judith Gruber,**

**Administrative Support Administrator**

**EXHIBIT SUMMARY**

**A - HB 3252, hand engrossed with the -1 amendments, staff, 2 pp.**

**B - SB 109, written testimony, Charlie Stone, 8 pp.**

**C - SB 389, written testimony, Gil Riddell, 3 pp.**

**D - SB 389, written testimony, Ray Craig, 2 pp.**

**E - HB 3344, written testimony, Jim Greer, 1 p.**

**F - HB 3344, written testimony, Charles R. Williamson, 2 pp.**

**G - HB 3344, written testimony, Carey M. Theil, 3 pp.**

**H - HB 3344, data, Carey M. Theil, 2 pp.**

**I - HB 3344, written testimony, Kelly Peterson, 1 p.**

**J - HB 3344, faxed correspondence, Susan Delles, 1 p.**

**K - HB 3344, faxed correspondence, Sharon M. Harmon, 1 p.**

**L - HB 3344, written testimony, Susan Mentley, 1 p.**