

—

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 7, 1997 Hearing Room C

8:00 a.m. Tapes 102 -103

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair

Sen. Bill Fisher, Vice-Chair

Sen. Bill Dwyer

Sen. Ted Ferrioli

Sen. Gary George

Sen. Veral Tarno

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT:

Glen Stonebrink, Administrator

Linda Spaulding, Administrative Support

MEASURE/ISSUES HEARD:

SB 1192 Public Hearing and Possible Work Session

SB 0001 Public Hearing and Possible Work Session

SB 0991 Public Hearing and Possible Work Session

HB 2659A Public Hearing and Possible Work Session

SCR 14 Public Hearing and Possible Work Session

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 102, A		
002	Chair Kintigh	Calls the meeting to order at 8:04 a.m. Opens public hearing on SB 1.
<u>SB 1 - PUBLIC HEARING</u>		
006	Chair Kintigh	Announces distribution of proposed -1 amendments (EXHIBIT A) .
012	Larry Campbell	Representing Associated Oregon Loggers (AOL) (EXHIBIT B) Supports SB 1 and proposed -1 amendments. Explains need for proposed legislation.
070	Campbell	Explains reasons for increasing chances for trespass on lands of non-industrial owners.
087	Chair Kintigh	Asks how bill addresses logger responsibility.
091	Campbell	Replies loggers must prove they were operating in good faith.
102	Chair Kintigh	Discusses contract language between landowner and contractor.
107	Campbell	Explains logger liability specified in written contracts.
125	Mike Miller	Representing AOL Supports SB 1. Recommends that loggers have written contracts.
135	Sen. Tarno	Asks if survey line is specified in contract.
143	Miller	Explains difficulty identifying property lines in smaller tracts.
156	Campbell	Describes trespass incident occurring on State Forestry land by Oregon State University.
		Logger, Noti (EXHIBIT C)

171	Dave Montgomery	Supports SB 1. Describes personal circumstance involving trespass claim.
238	Miller	Describes trespass cases (EXHIBIT D).
367	Sen. Ferrioli	Requests confirmation that nothing in SB 1 excuses willful trespassing.
373	Campbell	Replies affirmatively.
384	Ray Craig	Assistant State Forester, Forest Management Division Proposes clarification of bill language; recommends substitute language to define areas of responsibility (EXHIBIT E).
460	Sen. Dwyer	Asks current process for determining ownership; asks what process legislature could create to ensure reasonable effort is made to ascertain ownership.
TAPE 103, A		
027	Craig	Answers he is not aware of a standard checklist. Describes State process for surveying boundaries.
035	Sen. Dwyer	Asks what questions might be included in check list.
040	Marti Graham	Representing Oregon Department of Forestry (ODF) Suggests steps to obtain evidence of boundary verification: * contacting neighbors * documenting phone calls * writing letters
054	Sen. Dwyer	Understands difficulty determining boundaries.
059	Graham	Reiterates steps to obtain verification of boundaries.
067	Sen. Ferrioli	Comments with respect to equity for liability.
083	Graham	States operator is seldom held liable; liability generally falls on landowner.
097	Sen. Ferrioli	Confirms the Department seeks retribution from party with assets.
102	Graham	Agrees.
103	Sen. Ferrioli	Comments equity is the issue. Says ODF seeks "due diligence."
107	Graham	Agrees.
108	Sen. Ferrioli	Suggests adding "due diligence" in amendment language.
110	Graham	Agrees.
112	Sen. Tarno	Confirms an individual who desires to log a small parcel must obtain permit from ODF.
113	Craig	Answers yes; clarifies individual gives notification.
114	Sen. Tarno	Asks if notification is obtained in name of logger or landowner.

115	Craig	Answers the timber buyer, logger, and landowner are named on notification.
119	Sen. Fisher	Asks what due diligence State has to ensure proper notification.
121	Craig	Answers ODF does not check property lines after receiving notification.
124	Sen. Fisher	Asks confirmation that property boundaries are not checked by ODF.
125	Craig	Confirms; explains State responsibility.
130	Chair Kintigh	Clarifies permit process.
136	Sen. Fisher	Asks confirmation that no due diligence is required of State.
138	Craig	Clarifies no due diligence to verify property lines.
139	Sen. Fisher	Asks if ODF would like to be included in due diligence in legislation.
140	Craig	Answers no; explains different situation in administering Forest Practices Act.
148	Graham	Explains ODF has same burden of due diligence as operator when performing similar timber operations.
155	Sen. Fisher	Comments with respect to OSU trespass.
159	Graham	Says she is not familiar with the situation.
168	Sen. Dwyer	Asks what protection is given to loggers.
176	Graham	Replies no regulations require logger to be bonded.
183	Chair Kintigh	Closes public hearing on SB 1. Opens work session on SB 1.
<u>SB 1 - WORK SESSION</u>		
186	Sen. Ferrioli	MOTION: Moves to ADOPT SB 1-1 amendments dated 05/06/97.
		VOTE: 7-0
	Chair Kintigh	Hearing no objection, declares the motion CARRIED.
192	Sen. Ferrioli	MOTION: Moves SB 1 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Kintigh	The motion CARRIES. SEN. TED FERRIOLI will lead discussion on the floor.
209	Chair Kintigh	Closes work session on SB 1. Opens public hearing on SB 991
<u>SB 991 - PUBLIC HEARING</u>		

211	Glen Stonebrink	Committee Administrator, distributes proposed -1 amendments (EXHIBIT F) .
246	John Rowtan	Multnomah County Animal Control Opposes SB 991.
291	Sen. Dwyer	Asks number of false complaints in past six months.
293	Rowtan	Answers three complaints on pet stores, one of which was unfounded.
302	Susan Mentley	Director, Animal Welfare, Humane Society, Salem (EXHIBIT G) Opposes SB 991.
348	Carey Theil	Spokesman for those who oppose SB 991 (EXHIBIT H)
376	Sen. Ferrioli	Confirms complaint process that involves investigating officer.
388	Theil	Explains process required in SB 991.
416	Chair Kintigh	Calls for voice vote by witness registrants to determine position on SB 991. Admits written testimony (EXHIBIT I) for the record.
430	Chair Kintigh	Closes public hearing on SB 991. Opens work session on SB 991.
<u>SB 991 - WORK SESSION</u>		
444	Cindy Robert	Representing Oregon Pet Industries Association Describes circumstances with respect to origin of proposed -1 amendments for SB 991. Explains language changes to SB 991.
<u>TAPE 102, B</u>		
027	Sen. Tarno	Asks regarding language requiring complainant to furnish proof of identity.
031	Cindy Robert	States concern is valid; agrees with suggestions.
036	Sen. Tarno	Disagrees with requirement to furnish proof.
036	Robert	Agrees.
042	Sen. Tarno	Explains process of law enforcement with respect to filing false complaints.
053	Robert	Says agencies that deal with animal complaints do not have recording systems.
064	Glen Stonebrink	Recommends conceptual amendment to proposed -1 amendments.
077	Sen. George	MOTION: Moves to ADOPT SB 991-1 amendments dated 04/14/97 and that the measure be FURTHER AMENDED on page 1, line 9, by inserting "to require the person making the complaint to identify themselves".
		VOTE: 7-0
	Chair	Hearing no objection, declares the motion CARRIED.

	Kintigh	
079	Sen. George	MOTION: Moves SB 991 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-4 AYE: 3 - Fisher, George, Kintigh NAY: 4 - Dwyer, Ferrioli, Tarno, Wilde
	Chair Kintigh	The motion FAILS.
088	Chair Kintigh	Closes work session on SB 991. Opens public hearing on SCR 14.
<u>SCR 14 - PUBLIC HEARING</u>		
100	Chair Kintigh	Introduces and explains SCR 14. Submits proposed hand-engrossed -1 amendments (EXHIBIT J)
121	Joe Misek	Policy Analyst, Oregon Department of Forestry (ODF) (EXHIBIT K) Supports SCR 14.
141	Rick Balfour	Public Use Coordinator, ODF Supports SCR 14.
157	Sen. Dwyer	Disagrees with bill language.
173	Chair Kintigh	Closes public hearing on SCR 14. Opens work session on SCR 14.
179	Misek	Suggests language changes in hand-engrossed version of SCR 14.
210	Sen. Fisher	Comments to Sen. Dyer's remarks.
229	Sen. Dwyer	Response
243	Sen. Wilde	MOTION: Moves to ADOPT SCR 14-1 amendments dated 005/07/97 and that the measure be FURTHER AMENDED on page 1, line 9, by inserting "irresponsible off-road use of" after "Whereas the " and on page 1, line 22, by inserting "!" after "Lightly".
		VOTE: 5-2 AYE: 5 - Fisher, George, Tarno, Wilde, Kintigh NAY: 2 - Dwyer, Ferrioli
	Chair Kintigh	The motion CARRIES. SEN. KINTIGH will lead discussion on the floor.
259	Chair Kintigh	Closes work session on SCR 14. Opens public hearing on SB 1192.

<u>SB 1192 - PUBLIC HEARING</u>		
276	Sen. Bill Fisher	State Senator, District 23 Introduces and expresses support for SB 1192. Explains provisions.
373	Bob Ike	Owner, Nature's Crafts Supplies, Inc. Supports SB 1192; says the bill addresses ambiguity in listing legal and illegal species in Oregon. SB 1192 requires Oregon Department of Fish & Wildlife (ODFW) to list only the illegal wildlife products.
433	Sen. Fisher	Recalls forest products bill; compares feasibility with SB 1192.
TAPE 103, B		
036	Chair Kintigh	Confirms bill will list what is illegal and all others will be legal.
038	Sen. Fisher	Replies affirmatively.
039	Sen. Ferrioli	Comments regarding fiscal impact.
043	Sen. Fisher	Response
062	Ike	Explains data used for listing what is legal.
078	Sen. Dwyer	Comments regarding selling gall of bear killed in Oregon.
084	Ike	Supports banning bear gall.
112	Rep. Larry Sowa	State Representative, District 26 Opposes SB 1192 as written. Describes difficulty differentiating legally versus illegally taken animals. Recommends task force to assist legislature in decision.
198	Sen. Fisher	Asks length of time small business owners should expect to wait for legislation to pass.
208	Rep. Sowa	Suggests delay of implementation scheduled for December.
218	Sen. Fisher	Comments critical date has passed.
222	Rep. Sowa	Says plans are under consideration to provide enforcement until work group completes study.
227	Sen. Fisher	Asks how much poaching in Oregon compared to Idaho.
244	Rep. Sowa	Says he is unable to provide statistics; commends role of State Police in poaching enforcement.
272	Michael Twain	Representing Oregon Pet Industry Supports SB 1192. Explains problems with ambiguity in rules language.
322	Sen. Dwyer	Asks intent of rules.
		Answers intent was that everything not listed would be illegal. Criteria developed lists what animals cannot do:

327	Twain	<ul style="list-style-type: none"> * potentially introduce disease or parasites * interbreed * compete for habitat with native wildlife * degrade habitat or native wildlife * be a predator
367	Twain	<p>Lists and explains animal categories:</p> <ul style="list-style-type: none"> * domestic * non-controlled * controlled * prohibitive
397	Chair Kintigh	Closes public hearing on SB 1192. Adjourns the meeting at 9:55 a.m. Reschedules SB 1192 for next meeting.

Submitted By, Reviewed By,

Linda Spaulding, Glen Stonebrink,

Administrative Support Administrator

-

EXHIBIT SUMMARY

A - SB 1, proposed -1 amendments, staff, 1 p

B - SB 1, written testimony, Larry Campbell, 2 pp

C - SB 1, written testimony, David Montgomery, 3 pp

D - SB 1, written testimony, Mike Miller, 3 pp

E - SB 1, written testimony, Ray Craig, 3 pp

F - SB 991, proposed -1 amendments, staff, 1 p

G - SB 991, written testimony, Susan Mentley, 1 p

H - SB 991, written testimony, Carey Theil, 8 pp

I - SB 991, written testimony, staff, 4 pp

J - SCR 14, proposed hand-engrossed -1 amendments, staff, 1 p

K - SCR 14, written testimony, Joe Misek, 17 pp
