

SENATE COMMITTEE ON  
AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENT

April 21, 1995 Hearing Room  
1:00 P.M. Tapes 85- 86

MEMBERS PRESENT: Sen. Bob Kintigh, Chair  
Sen. Rod Johnson, Vice-Chair  
Sen. Brenda Brecke  
Sen. Bill Dwyer  
Sen. Tom Hartung  
Sen. Marylin Shannon

MEMBER EXCUSED:

STAFF PRESENT: Bruce McIntosh, Committee Administrator  
Catrina Victor, Committee Assistant

MEASURES SB 1059, Work Session  
CONSIDERED: HB 2568, Public Hearing and Work Session  
HB 2868, Public Hearing and Work Session  
SB 950, Work Session  
HB 2101, Public Hearing and Work Session  
HB 2601, Public Hearing and Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

Tape 85A

04 Chair Kintigh: Meeting called to order at 1:40 P.M.

05 Opens WORK SESSION on SB 1059

10 Sen. Johnson: Reviews the amendments. On page 2 of SB 1059-1, lines 7 and 12, add "Pacific Fisheries Management Council" before the word management on both lines [EXHIBIT A].

Sen. Dwyer: Ask if we have the amendments in writing.

SEN. Johnson: Clarifies.

43 MOTION: SEN. JOHNSON: Moves amendments into SB 1059-1 amendments to adopt the "Pacific Fisheries Management Council" phrase.

VOTE: Hearing no objections, the amendments are ADOPTED. SEN. HARTUNG and SEN. SHANNON are excused.

MOTION: SEN. JOHNSON: Moves the amended SB 1059-1 amendments into SB 1059.

VOTE: Hearing no objections, the amendments are ADOPTED. SEN. HARTUNG and

SEN. SHANNON are excused.

MOTION: SEN. JOHNSON: Moves SB 1059, AS AMENDED, be sent to the floor with a DO PASS recommendation.

VOTE: In a roll call vote all members present vote AYE. SEN. Hartung and Sen. Shannon are excused.

CHAIR KINTIGH: The motion CARRIES.

Sen. Johnson will carry the bill.

56 Opens PUBLIC HEARING on HB 2568

Staff Measure Summary on HB 2568 submitted [EXHIBIT B].

60 Rod Ingram, Deputy Director, Oregon Department of Fish and Wildlife: Submits written testimony on HB 2568 [EXHIBIT C].

98 Sen. Johnson: Asks if there is any particular fund that only has money in it for most people who voted for Measure 18 that we could tap for this damage.

Sen. Dwyer: Intent of this bill was that people recognize the wildlife fund is paid for by hunters. It wasn't hunters that passed ballot Measure 18; it was the general population. Our philosophy is the general population ought to support the damage.

112 Recess the public hearing on HB 2568 until Rep. Sowa can be found to give testimony.

115 Opens PUBLIC HEARING on HB 2868

Staff Measure Summary submitted on HB 2868 [EXHIBIT D].

125 Steve Lane, Oregon State Police: Submits testimony in support of HB 2868 [EXHIBIT E]. Reviews the law and its intent and explains the use of the wildlife decoy in apprehending violators.

163 Sen. Dwyer: Asks if the decoy is shot out of season or at night from the roadway, would that be a violation. Asks what the penalty would be.

Lane: Responds and clarifies. Closed season cited for taken deer in closed season; night time, cited for taking deer with the aid of an artificial light; shooting from the roadway in day time, cited under criminal statute for discharging a firearm from a public roadway, which is a violation and punishable by \$250. However, statute now comes under the wildlife statutes and make it a Class A misdemeanor--1 year or \$5000.

206 Sen. Johnson: What size antlers are put on the decoys?

Lane: Clarifies the procedures. Large set of antlers on the decoy out of season; during the season any where from spikes to three-points. The intent is to go more after the out-of-season and the nighttime hunters.

221 Sen. Dwyer: Has anyone taken the decoys?

Lane: There was one problem in the Portland area when the decoy program was first started.

231 Ingram: Supports comments of Sgt. Lane. Submits written testimony in support of HB 2868 [EXHIBIT F].

238 Closes PUBLIC HEARING on HB 2868  
Opens the WORK SESSION on HB 2868

240 MOTION: SEN. DWYER: Moves HB 2868 to floor with a DO PASS recommendation.

243 VOTE: In a roll call vote, all members present vote AYE. Sen. Hartung is excused.

CHAIR KINTIGH: The motion CARRIES.

SEN. JOHNSON will carry the bill.

252 Opens WORK SESSION on SB 950

Staff Measure Summary submitted on SB 950 [EXHIBIT G].

270 Chris Durth, Governor's Office: Governor can support SB 950-3 amendments. The Governor's office met the bill's proponents and other interested parties in hopes of working out some language on these amendments that could get their support for them. They cannot accept these amendments. Governor's office has made every effort to work with them and come up with something we can all agree with.

Sen. Dwyer: Asks about the SB 950-4 amendments.

Durth: Responds the SB 950-4 amendments just includes section G, lines 10 through 13 of the SB 950-3 amendments.

286 Tom Gallagher, American Plastics Council: SB 950-4 amendments are essentially the same as the SB 950-3 (G) in the SB 950-3. Only has the addition on line 5 of the numbers 178.522. This language was a compromise the American Plastics Council made in the Governor's office of the time agreed to for these to exempt from the Department of Transportation hazardous materials only those materials which were subject to these filing

Federal statutory provisions. They have to do with actual testing procedures DOT uses on the packaging. Well over 75% of the materials that were in the DOT are Xed out. Agrees with the Governor's amendments with the addition of that fourth statutory reference.

308 Chair Kintigh: Clarifies strike SB 950-3 (G) and substitute with SB 950-4 (G).

312 Terry Witt, Oregonians for Food and Shelter: [EXHIBIT O]. Cannot accept the Governor's SB 950-3 amendments. Urge committee to reject SB 950-3 amendments because they fractionalize the regulatory field with respect to regulation of pesticides by differentiating one type of pesticide from another which is not done in the law. Urge passage of SB 950-1 amendments, which deal with a straight FIFRA exclusion for all products registered and regulated by the EPA.

Chair Kintigh: Do you object to the SB 950-4 amendments?

Witt: Do not object to SB 950-4. Further puts Oregon's statutes in compliance with Federal law, and we wouldn't have any legal problems from a FIFRA or U. S. DOT perspective with regard to containers.

392 Larry Edelman, Oregon Department of Justice: Explains there are no legal problems of splitting out the definition of agricultural pesticides from general pesticides. Our definition of agricultural pesticides comes from a proposed EPA regulation dealing with pesticide containers.

422 Bruce McIntosh: Provides written statement on behalf of John Matthews, Garten Foundation [EXHIBIT H]. Reads pertinent parts of testimony; clarifies plastic containers that meet the FIFRA definition not acceptable to Garten Foundation.

Tape 86A

22 Witt: Clarifies the problems of differentiating industrial, residential and agricultural uses of a container.

53 Sen. Johnson: Do containers tell what items fall under FIFRA?

73 Witt: Clarifies.

80 MOTION: Sen. Johnson: Moves the SB 950-1 amendments into SB 950.

VOTE: CHAIR KINTIGH: Hearing no objections, the amendments are ADOPTED.  
All members are present.

MOTION: Sen. Johnson: Moves the SB 950-4 amendments into SB 950.

VOTE: CHAIR KINTIGH: Hearing no objections, the amendments are ADOPTED.  
All members are present.

MOTION: Sen. Johnson: Moves SB 950, AS AMENDED, to the Floor with a DO  
PASS recommendation.

VOTE: In a roll call vote, SENS. HARTUNG, JOHNSON, SHANNON, KINTIGH vote  
AYE. SENS. BRECKE AND DWYER vote NO.

121 CHAIR KINTIGH: The motion CARRIES.

CHAIR KINTIGH will carry the bill.

Sen. Dwyer: Serves notice of possible minority report.

128 Reopen PUBLIC HEARING on HB 2568

134 Rep. Larry Sowa, District 26, Oregon City: Explains introduction of HB  
2568 after the passage of Measure 18 because of concern for wildlife fund  
and California's experiencing lawsuits.

157 Sam Cribb, Oregon Sportsmen's Defense Fund: Presents written testimony  
for Ron Harder [EXHIBIT I] in support of HB 2568.

171 Opens WORK SESSION on HB 2568

182 MOTION: SEN. DWYER: Moves HB 2568 be sent to the Floor with a DO PASS  
recommendation.

VOTE: CHAIR KINTIGH: In a roll call vote, all members present vote AYE.  
Sen. Hartung is excused.

CHAIR KINTIGH: The motion CARRIES.

Senator Dwyer will carry the bill.

190 Opens the PUBLIC HEARING on HB 2101

Staff Measure Summary on HB 210 submitted [EXHIBIT J]

193 Dennis Olmstead, Department of Geology and Mineral Industries: Presents  
testimony in support of HB 2101 [EXHIBIT K] and urges its approval.  
Explains the bonding process for geothermal wells.

228 Sen. Johnson serves as chair because Chair Kintigh had to leave.

Sen. Dwyer: Ask if most of the companies unable or unwilling to plug a  
well are not impoverished.

232 Olmstead: Clarifies. That is correct; they are not impoverished.

234 Sen. Shannon: Can we pass this with just four members present.

Sen. Johnson: Yes, can pass with four members.

242 Closes PUBLIC HEARING on HB 2101  
Opens WORK SESSION on HB 2101

243 MOTION: Sen. Dwyer: Moves that HB 2101 be sent to the Floor with a DO  
PASS recommendation.

CHAIR JOHNSON: In a roll call vote, all members present vote AYE. SEN.  
Hartung and Sen. Kintigh are excused.

CHAIR JOHNSON: The motion CARRIES.

Sen. Brecke will carry the bill.

255 Closes WORK SESSION on HB 2101  
Opens PUBLIC HEARING on HB -2601

Staff Measure Summary on HB 2601 submitted [EXHIBIT L].

266 Ingram: Presents written statement on HB 2601 [EXHIBIT M].

310 Sen. Dwyer: Were most of the animals taken before December 8? Since then, how many?

315 Ingram: Responds.

338 Sen. Dwyer: Asks if the Department of Fish and Wildlife likes giving back their money?

339 Ingram: Responds the Department had the ability to do that before the season started willing to offer the hunter after the passage of Measure 18 the choice between going hunting or getting a refund. It's only fair we refund the hunters' money and we endorse this bill.

347 Sen. Johnson: Calls on Mr. Cribb.

350 Cribb: Oregon Sportsmen's Defense Fund supports HB 2601 A-Engrossed.

353 Closes PUBLIC HEARING on HB 2601  
Opens WORK SESSION on HB 2601

355 MOTION: SEN. DWYER: Moves that HB 2601 A-Engrossed be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. Sen. Hartung and Sen. Kintigh are excused.

CHAIR JOHNSON: The motion CARRIES.

Sen. Brecke will carry the bill.

373 Closes WORK SESSION on HB 2601

374 CHAIR JOHNSON: Adjourns the meeting.

Submitted by, Reviewed by,

Catrina Victor Bruce McIntosh  
Committee Assistant Committee Administrator

#### EXHIBIT SUMMARY:

A- Staff Measure Summary, SB 1059, 3 pages  
B- Staff Measure Summary, HB 2568, 1 page  
C- Statement from Department of Fish and Wildlife, HB 2568, Rod Ingram, 3 pages  
D- Staff Measure Summary, HB 2868, 1 page  
E- Testimony from Department of State Police, Fish and Wildlife Division, HB 2868, 22 pages  
F- Statement from Department of Fish and Wildlife, HB 2868, Rod Ingram, 1 page  
G- Staff Measure Summary, SB 950, 2 pages  
H- Testimony from Garten Foundation, John Matthews, SB 950, 2 pages  
I- Testimony from Oregon Sportsmen's Defense Fund, Rod Harder, HB 2568, 1 page

J- Staff Measure Summary, HB 2101, 1 page  
K- Testimony from Department of Geology and Mineral Industries, Dennis  
Olmstead, 1 page  
L- Staff Measure Summary, HB 2601, 1 page  
M- Statement from Department of Fish and Wildlife, Rod Ingram, HB 2601, 2  
pages  
N- Testimony from Oregon Sportsmen's Defense Fund, Rod Harder, HB 2601, 1  
page  
O- Oregonians for Food and Shelter, Terry Witt, SB 950, 1 page (sheet  
prepared by Staff--unable to locate original statement submitted)