

HOUSE COMMITTEE ON  
NATURAL RESOURCES

Hearing Room 50

Tapes 8-9

MEMBERS PRESENT:

Veral Tarno, Chair  
Terry Thompson, Vice-Chair  
Tony Corcoran  
Bill Fisher  
Tim Josi  
Leslie Lewis  
Dennis Luke  
Lisa Naito  
Chuck Norris  
Judy Uherbelau  
Larry Wells  
Jim Welsh

MEMBER EXCUSED:

STAFF PRESENT:

Mark Bauer, Committee Administrator  
Paula Hird, Committee Assistant

MEASURES HEARD:                    HB 2128    Public Hearing  
    HB 2129    Public Hearing  
    HB 2130    Public Hearing  
    HB 2131    Public Hearing

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 8, SIDE A

OPENS PUBLIC HEARING ON HB 2128

Witnesses:            Representative Lynn Lundquist, District 59  
                          Phil Ward, Assistant Director, Oregon Dept. of Agriculture  
                          John McCulley, Oregon Cattlemen's Association

05            MARK BAUER, COMMITTEE ADMINISTRATOR: Gives summary of HB 2128.

26            PHIL WARD, ASSISTANT DIRECTOR, OREGON DEPARTMENT OF AGRICULTURE:  
Testifies in favor of HB 2128. (Exhibit A)

50 CHAIR TARNO: Asks for clarification of diseases.

54 WARD: Complies with request.

85 REP. NORRIS: Are you recommending we lower age from four months to two months?

86 REP. LYNN LUNDQUIST, DISTRICT 59: That is correct.

88 WARD: The State needs to maintain current standard to remain in compliance with federal standards.

100 CHAIR TARNO: Will the age reduction apply on a national level?

105 WARD: That is being looked at.

109 REP. LEWIS: Why does Federal government say an animal must be four months old?

112 WARD: Early research indicated that age was the best.

122 REP. FISHER: Why don't you vaccinate pregnant cows?

124 WARD: That could cause some serious ramifications in the health of the cows.

141 JOHN MCCULLEY, OREGON CATTLEMEN'S ASSOCIATION: Responds to CHAIR TARNO's question. Testifies in favor of HB 2128. (Exhibit B)

CLOSES PUBLIC HEARING ON HB 2128

OPENS PUBLIC HEARING ON HB 2129

Witnesses: Lorna Youngs, Assistant Director of Food Safety Programs,  
Oregon Dept. of Agriculture

177 MARK BAUER: Gives summary of HB 2129.

184 LORNA YOUNGS, ASSISTANT DIRECTOR OF FOOD SAFETY PROGRAMS, OREGON DEPT. OF

AGRICULTURE: Testifies in favor of HB 2129. (Exhibit C)

218 REP. THOMPSON: Has anyone shown interest in transporting live scallops?

220 YOUNGS: Yes. This measure is at request of industry.

227 CHAIR TARNO: Where are the scallop beds located?

236 REP. THOMPSON: Gives location of Oregon Scallop beds.

241 REP. LUKE: Are there any fees involved or an increase in budget?

242 YOUNGS: There are approximately four boats that would require licensing. Approximately \$300.00 in revenue to Dept. of Agriculture.

245 REP. LUKE: Will a fiscal impact statement be required.

246 YOUNGS: I understand we are well under the limit for a fiscal impact statement.

258 REP. NORRIS: Questions REP. THOMPSON on past fishing practices which stripped scallop beds. Have the recovered enough to make this a viable industry?

260 REP. THOMPSON: It is doubtful harvest will ever return to the level it

was at..

270 REP. FISHER: Please expand on what the term "shellfish" covers.

281 YOUNGS: There are four types of shellfish: scallops, clams, oysters and mussels.

312 REP. FISHER: Why can't we permit you to say, "anything salable", rather than specify species by species?

327 YOUNGS: We could put new language into bill.

337 REP. CORCORAN: Questions REP. THOMPSON on what percentage of a scallop is currently used as a food source.

339 REP. THOMPSON: About eight per cent.

CLOSES PUBLIC HEARING ON HB 2129

OPENS PUBLIC HEARING ON HB 2130

Witnesses: Ann Hanus, Assistant State Forester, Oregon Department of Forestry

Dave Stere, Oregon Department of Forestry

396 MARK BAUER: Gives summary of HB 2130

427 ANN HANUS, ASSISTANT STATE FORESTER, OREGON DEPARTMENT OF FORESTRY: Testifies in favor of HB 2130. (Exhibit C.)

454 CHAIR TARNO: Gives brief background on why HB 2130 is necessary.

485 REP. UHERBELAU: Will this measure really work? What if the person refuses to give social security number?

TAPE 9, SIDE A

26 DAVE STERES, OREGON DEPARTMENT OF FORESTRY: Explains that previous legislation has provided similar requirements on the commercial logging and cedar fill suppliers and there has been no problem regulating this, hence they do not anticipate any problems with the regulation of HB 2130.

36 REP. NORRIS: "Does this apply to Federal lands?"

37 STERES: Confirms that not only does it apply to Federal lands but all lands.

38 REP. NORRIS: "Who would be responsible for enforcement?"

39 STERES: "The County Sheriff and Police."

40 REP. NORRIS: Questions whether what priority would if be of the Sheriff and Police Departments.

43 REP. LUKE: Explains that there are similar problems in Deschutttes County.

53 REP. WELSH: Disagrees with the use of the Social Security numbers as means of providing identification.

57 REP. FISHER: Provides support of the measure.

66 REP. LEWIS: Ask the question whether the reason for using the social security number as means of identification is so the buyer can fill out the

proper 1099 Federal tax form.

79 HANUS: "That is correct."

86 REP. CORCORAN: Concerned about the ability to regulate mushroom pickers.

90 CHAIR TARNO: The initial intent of this HB 2130 is to provide regulation for the land, and to protect the lands.

99 CHAIR TARNO: Acknowledges that there will be some amendments coming out of the sub committee.

CLOSES PUBLIC HEARING ON HB 2130

REOPENS PUBLIC HEARING ON HB 2129

110 REP. LUKE: After conferring with the Department of Agriculture the suggestion of allowing the Department of Agriculture the ability to make changes in the rules through the means of public hearings and Administrative Rules would give the department the flexibility needed to meet the regulated standards. It would also allow the committee the ability to review.

118 REP. FISHER: Agrees with Rep. Luke.

CLOSES PUBLIC HEARING ON HB 2129

OPENS PUBLIC HEARING ON HB 2131

Witnesses: Captain Lindsay A. Ball, Oregon State Police, Fish & Wildlife Division

Ray Craig, Assistant State Forester, Forest Management Division  
Ross Holloway, Oregon Department of Forestry

140 BAUER: Provides summary in HB 2131.

150 CHAIR TARNO: Expresses concern regarding committee hearing HB 2131.

160 REP. FISHER: It was under the direction of Speaker Clarno that this Bill was assigned to this committee, thus providing them with legal justification of hearing this testimony.

168 RAY CRAIG, ASSISTANT STATE FORESTER, FOREST MANAGEMENT DIVISION: Explains the collation between the Forest Service, the Oregon State Police and the County Sheriff Department. (EXHIBIT E)

190 ROSS HOLLOWAY, OREGON DEPARTMENT OF FORESTRY: Testifies regarding the need to provide legislation to protect the public and details the results of the lack of legislation .

214 CRAIG: Summarizes the need of the committees support for HB 2131.

225 CAPTAIN BALL, OREGON STATE POLICE, FISH & WILDLIFE DIVISION : Summarizes how HB 2131 would be more effective for the State Police Department to cite offenses.

252 CHAIR TARNO: Asks for more information regarding citations.

253 BALL: Police officers and members of the State Forestry will be able to issue citations for infractions.

255 REP. WELSH: Asks about the fiscal impact to regulate HB 2131.

256 CRAIG: Because HB 2131 provides more effective means of regulating the lands. The Department already provides training in law enforcement to its employees, there shouldn't be any additional cost.

270 REP. NORRIS: Clarifies that HB 2131 allows the officers to cite an individual with a Class A Misdemeanor offense, is there means available to support this action to protect the individual as well as the officer.

280 BALL: In order for a class A Misdemeanor to occur the individual must first be warned and continue to offend.

290 REP. NORRIS: Is there any way for the officer to know if the offender has a record of a prior offense from a previous date and time?

291 BALL: HB 2131 only addresses offenses that occurs in front of the officer.

TAPE 8, SIDE B

06 REP. UHERBELAU : The language of HB 2131 leaves itself open to attack.

20 REP. THOMPSON: Is the closing of private lands causing an increase in violations?

23 CRAIG: Largest issue is population is growing. With increased numbers using state lands for recreation, the number of violations is increasing.

26 REP. THOMPSON: Concerned that Fish and Wildlife officers who are given enforcement powers may not have adequate training. Cites California as an example of such a problem.

35 BALL: I am not familiar with the problem in relation to California. The primary intent here is that in extreme situations, officers are able to address the problem when they observe a violation

45 REP. LUKE: You cannot enforce laws on State Forestry lands?

48 BALL: We can't enforce laws on any Sate lands.

52 REP. LUKE: What are other laws not covered under statutes pertaining to state lands?  
Is this an enforcement of forestry rules rather than ORS statutes?

76 BALL: That is correct.

77 REP. LUKE: Questions seriousness of violations which might be observed.

80 CRAIG: It is not unusual for ORS to be Class A misdemeanors, rules passed by Oregon Fish & Wildlife

86 REP. LUKE: What happened to the bail issues?

90 REP. UHERBELAU: I'm concerned on Section 2. Are the violations people will be cited for posted?

98 CRAIG: Yes. The rules are posted in appropriate places.

105 REP. UHERBELAU: Questions the possibility of people being charged with Class A misdemeanors.

111 REP. NORRIS: Will there be subsequent Judiciary Committee hearings on this matter?

120 REP. WELSH: What infractions cause the greatest problems?

121 BALL: Responds with examples, inappropriate use of designated areas, off road use.

132 REP. CORCORAN: My concerns are with hidden costs. Are your current officers sworn peace officers?

137 CRAIG: They are Wardens, not peace officers.

142 REP. CORCORAN: Questions type of infractions.

145 BALL: Cites examples: loud music at campsites, animals running loose, discharging

161 REP. THOMPSON: Are you aware of the ramifications of what you are asking?

170 BALL: Yes.

173 REP. THOMPSON: Suggest HB 2131 state that the Forestry workers not have the legal ability to cite offenses.

174 BALL: Agrees with Rep. The State Police are the only ones that will primarily be enforcing the HB 2131.

179 REP. FISHER: Are you willing to put in the HB 2131 that it will be enforced by qualified personnel?

221 CRAIG: HB 2131 calls for subsequent changes after it passes. We will be happy to share with the committee drafts of changes.

240 REP. FISHER: As long as both sides are open to meet the entire needs of the issue he feels confident in supporting the issue.

257 REP. UHERBELAU: Expresses concern the State Police already have enough on their plates, will not that mean that these statutes will fall to the bottom of your priority list?

277 BALL: Yes. State Forestry has contracted with State Police for personnel to enforce this statute.

296 BALL: I don't see a great impact on State Police or Sheriffs.

300 REP. LUKE: The citations process makes this easier for your personnel to enforce?

310 BALL: That is true.

324 CHAIR TARNO: Can't you issue citations on the spot now?

327 BALL: No.

328 CHAIR TARNO: Can't you cite under ORS at this time? Wouldn't it be easier to enact criminal laws that would cover the issue?

347 BALL: State Board of Forestry has drawn a draft of uses of land. If you review them you would have a clear understanding of how those regulations are meant to protect those areas and how ORS regulates certain criminal aspects of the system.

355 REP. FISHER: Suggests referral to Judiciary

361 REP. FISHER: If there are not statutes in the ORS which cover the issues,

363 CHAIR TARNO: I would like to see a list of ORA which cover the issue of citizen's arrest.

385 BALL: Responds to Rep. Fisher.

388 CHAIR TARNO: A class A misdemeanor has to take place in the presence of the law enforcement official citing or the citizen, in this case the warden will have to rely on the faith of the offender, and make a citizen arrest.

399 REP. FISHER: Requests clarification on which statutes do not cover State Forestry lands.

CLOSES PUBLIC HEARING ON HB 2131

453 CHAIR TARNO: Adjourns meeting.

Paula K. Hird     Mark Bauer  
Committee Assistant     Committee Administrator

EXHIBIT LOG:

A -- Testimony on HB 2128, Phil Ward, 1 page  
B -- Testimony on HB 2128, John McCulley, 1 page  
C -- Testimony on HB 2129, Lorna Young, 1 page  
D -- Testimony on HB 2130, Ann Hanus, 1 page  
E -- Testimony on HB 2131, Ray Craig, 3 pages  
F -- Testimony of HB 2131, Captain Lindsay Ball, 2 pages