

HOUSE COMMITTEE ON
NATURAL RESOURCES

Hearing Room
Tapes -79

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Rep. Lisa Naito

STAFF PRESENT:

Mark Bauer, Committee Administrator
Sandy Ceballos, Committee Assistant

MEASURES HEARD:

HB 3461 - Public Hearing and Work Session
SB 1127 - Public Hearing
SB 812 - Public Hearing
SB 889 - Public Hearing and Work Session
SB 1059 - Public Hearing and Work Session
SB 613 - Public Hearing and Work Session
SCR 8 - Puboic 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 , SIDE A

006 CHAIR TARNO: Opens the meeting at 2:09 PM.

012 Opens the PUBLIC HEARING on HB 3461.
Witnesses: Mike Simms, Oregon Shellfish Association

024 MIKE SIMMS, OREGON SHELLFISH ASSN.: Submits and reads from Exhibit A, in support of HB 3461.

046 RON PHILLIPS, OREGON OYSTER FARMS: Testifies that beaches are not interfered with by oyster and clam farms. They're an estuarial organization.

069 REP. CORCORAN: Why are we adding the word "exclusive"?

075 PHILLIPS: It's a housekeeping bill. Would like you to tell everyone what legislative intent is here.

092 CHAIR TARNO: This is a bill the industry itself is asking for.

093 PHILLIPS: That's correct.

096 REP. JOSI: Questions if there is a potential for conflict between the commercial and private.

102 PHILLIPS: Could be some instance where the public would try to harvest from commercial beds.

117 REP. JOSI: Section seems to preclude Dept. of Fish and Wildlife from any type of rulemaking.

124 PHILLIPS: Reserves to the Dept. of Fish and Wildlife total authority over native shellfish.

179 REP. CORCORAN: Is there any use of non-native clams and mussels?

189 CINDY SARDINA, OREGON SHELLFISH ASSN.: Yes, there are.

207 PHIL WARD, OREGON DEPARTMENT OF AGRICULTURE: They would be supportive of this bill, suggests price of \$25.00 be placed on line 21.

230 REP. THOMPSON: Questions why are these fees are so much lower than commercial fishing.

232 WARD: Have had some talks with fish and wildlife about increasing those fees.

269 REP. WELLS: Section 6 talks about use fees. How do you collect those use fees?

276 WARD: The people who harvest these report their harvest to us.

309 CHAIR TARNO: Recesses the PUBLIC HEARING on HB 3461

Opens the PUBLIC HEARING on SB 1127.
Witnesses: SEN. STAN BUNN
Jay Rasmussen, Oregon Coastal Zone Management Association
Roy Hemingway, Salmon Policy Advisor
Dave Moskowitz, Oregon Trout
Joe Rohleder, Oregon Guides & Packers

310 STAN BUNN, OREGON STATE SENATOR: Testifies in support of SB 1127. (Exhibit B)

360 Looking at disaster assistance for the salmon industry. This bill says let's identify what level of production we need both in the hatchery and naturally.

410 Suggest Oregon Dept. of Fish and Wildlife provide the staffing.

473 JAY RASMUSSEN, OREGON COASTAL ZONE MANAGEMENT ASSOCIATION: Speaks in support.

TAPE 78, SIDE A

048 SEN. BUNN: Explains how the fiscal impact statement was arrived at.

056 REP. THOMPSON: Are federal funds for Oregon placed at risk?

059 RASMUSSEN: Quite the contrary, we may get more federal funds.

086 REP. NAITO: The task force is to report back but can take no action.

102 ROY HEMINGWAY, SALMON POLICY ADVISOR TO THE GOVERNOR: States the areas where there has been agreement. The sticking point is what entity will appoint the task force. Must be either executive appointments or legislative appointments.

159 REP. NAITO: Feels comfortable if this is a task force to advise the next legislative assembly.

169 REP. NORRIS: Would the Governor object if all of the staffing for this were appointed by the legislature.

180 HEMINGWAY: Can't speak to other task force appointments.

200 JOE ROHLEDER, OREGON GUIDES AND PACKERS: Don't have a way to plan for our industry. Thinks this bill is a starting point. Testifies in support of SB 1127.

243 DAVE MOSKOWITZ, OREGON TROUT: States they're working with all parties to

this bill, but urge the committee not to rush.

292 Closes the PUBLIC HEARING on SB 1127.

297 Re-opens the PUBLIC HEARING on HB 3461.
Witnesses: Jennifer Robinson, Oregon Division of State Lands
Rod Ingram, Oregon Department of Fish and Wildlife
Kay Brown, ODFW

306 JENNIFER ROBISON, OREGON DIVISION OF STATE LANDS: Testifies in support of HB 3461. (Exhibit C).

358 ROD INGRAM, OREGON DEPARTMENT OF FISH AND WILDLIFE. Testifies in support of HB 3461.

367 KAY BROWN, ODFW: Concerned about the use of the term "native", also concerned about disease and potential impact on the native population.

REP. JOSI: Suggests that problems be worked out during meeting, and brought back later in the agenda for conceptual amendments.

433 CHAIR TARNO: Agrees, requests clarification from Mr. Ward regarding inspections of imported products.

458 CHAIR TARNO: Recess PUBLIC HEARING on HB 3461.

TAPE 77, SIDE B

038 Opens the PUBLIC HEARING on SB 812.

Closes the PUBLIC HEARING on SB 812.

046 PHIL WARD, OREGON DEPT. OF AGRICULTURE: Testifies on SB 812 from written testimony, (EXHIBIT D).

107 CHAIR TARNO: RECESSES the meeting at 3:15 PM to RECONVENE at 6 PM.

108 CHAIR TARNO: RECONVENES the meeting at 6:14 PM.

116 Opens the WORK SESSION on HB 3461

117 CHAIR TARNO: Discusses amendment suggested : Line 9 & 10 where it says native on both those pages, the suggestion is to insert non-cultivated, take out the word native.

138 CHAIR TARNO: Do you want to leave "native" on line 12?

146 REP. CORCORAN: Doesn't think the questions about non-native issues have been addressed, but will vote for the bill.

MOTION: REP. JOSI: Moves conceptual amendments, deleting the word "native" on lines 9 & 10; inserting "non-cultivated", to HB 3461, BE ADOPTED.

160 CHAIR TARNO: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. LEWIS: Moves the rules be suspended for the purpose moving HB 3461, as conceptually amended, to the Floor with a DO PASS recommendation.

CHAIR TARNO: Hearing no objections, the rules are suspended.

VOTE: In a roll call vote, all members present vote AYE; REP. NAITO is EXCUSED.

CHAIR TARNO: The motion CARRIES.

REP. THOMPSON will lead the discussion on the Floor.

184 CHAIR TARNO: Closes the WORK SESSION on HB 3461.

Opens the PUBLIC HEARING on SB 889.
Witnesses: David Nelson, Oregon Dairy Farmers Association
Phil Ward, Oregon Department of Agriculture

196 DAVID NELSON, OREGON DAIRY FARMERS ASSN.: Submits Exhibit E, and testifies in support of SB 889.

255 REP. FISHER: Why do you have a 90 day time span to change a false statement?

261 NELSON: Don't want to be chilling on complaints.

279 REP. UHERBELAU: Suggest they get the new fiscal analysis before it moves to the floor.

293 REP. CORCORAN: Approximately 50% of complaints are valid.

309 REP. JOSI: In Tillamook County we have some good dairy farmers and we have some bad dairy farmers. Fearful of implications if you turn in a bad one.

329 NELSON: It's the Dairy Farmers Assn. feeling that this bill will not stifle complaints.

356 REP. UHERBELAU: If they receive a verbal complaint, will it be ignored now?

375 REP. LUKE: Is a written complaint kept confidential?

380 PHIL WARD, OREGON DEPT. OF AGRICULTURE: Written complaints are a matter of public record.

449 REP. WELLS: Has SB 947 been combined with this?

456 NELSON: The two bills were rolled together.

TAPE 78, SIDE B

020 WARD: Practicalities will take some time. But not our intent to badger complainants with this bill.

033 REP. WELLS: Asks how Section 3 would work.

040 WORD: Puts the onus on the Department of Agriculture to determine that there was a violation of water quality.

060 Closes the PUBLIC HEARING on SB 889.

Opens the WORK SESSION on SB 889.

MOTION: REP. LEWIS: Moves SB 889 be sent to the floor with a DO PASS recommendation.

065 REP. UHERBELAU: Suggests an amendments which states "knowingly" makes a false statement and leave out part two.

Discussion follows.

140 REP. NORRIS: Thinks that the addition of "knowingly" adds another element of proof.

153 REP. LEWIS: Makes suggestion for an amendment to page two, line four.

175 CHAIR TARNO: Do you two think you can salvage this without going back to LC?

178 RECESSES the WORK SESSION on SB 889.

Opens the PUBLIC HEARING and WORK SESSION on SB 1059.

199 ROD INGRAM, DEPUTY DIRECTOR, OREGON DEPARTMENT OF FISH AND WILDLIFE: Testifies in support of SB 1059. (Exhibit F)

263 REP. LUKE: What's the average season?

273 REP. CORCORAN: Moves SB 1059A be sent to the Floor with a DO PASS recommendation.

Discussion follows, further clarifying the bill.

VOTE: In a roll call vote, all members present vote AYE; REP. NAITO is EXCUSED.

CHAIR TARNO: The motion CARRIES.

350 REP. CORCORAN will lead the discussion on the Floor.

CHAIR TARNO: Closes the Work Session on SB 1059.
Re-Opens the Work Session on SB 889

355 PHIL WARD, ODFW: Suggests amendments.

360 REP. LEWIS: Withdraws her previous motion.

385 MOTION: REP. LUKE: Moves the conceptual amendments to SB 889, on page 2, line 5, striking ORS 468b.230; inserting ORS 183.090, BE ADOPTED.

CHAIR TARNO: Hearing no objections, the amendments are ADOPTED.

390 MOTION: REP. CORCORAN: Moves to suspend the rules for the purpose of moving SB 889, as conceptually amended, to the Floor with a DO PASS recommendation.

CHAIR TARNO: Hearing no objections, the rules are suspended.

400 MOTION: REP. LUKE: Moves SB 889, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE; REP. NAITO is EXCUSED.

CHAIR TARNO: The motion CARRIES.

REP. JOSI will lead the discussion on the Floor.

CHAIR TARNO: Closes the Work Session on SB 889

Opens the PUBLIC HEARING on SB 613
Witnesses: Larry George, Oregonians in Action

TAPE 79, SIDE A

005 LARRY GEORGE, OREGONIANS IN ACTION: Discusses SB 613 and possible amendments (EXHIBIT G).

048 Discussion follows regarding further action during the interim.

060 REP. CORCORAN: Requests comments on the rural community rule.

070 GEORGE: Responds, discusses exceptions process.

075 REP. UHERBELAU: Requests clarification of bill.

085 GEORGE: Discusses intent and process.

135 CHAIR TARNO: Closes the PUBLIC HEARING on SB 613.

Opens the WORK SESSION on SB 613.

140 REP. LUKE: Discusses the reasons to send SB 613 to Ways & Means.

151 REP. LUKE: Moves SB 613 be sent to the Floor with a DO PASS recommendation and BE REFERRED to Ways & Means.

VOTE: 8-3
AYE: 8 - Corcoran, Fisher, Josi, Lewis, Luke, Norris, Tarno, Welsh
NAY: 3 - Thompson, Uherbelau, Wells
EXCUSED: 1 - Naito

CHAIR: The motion CARRIES.

Closes the WORK SESSION on SB 613.

190 Opens the PUBLIC HEARING on SCR 8.
Witnesses: REP. UHERBELAU

MARK BAUER, COMMITTEE ADMINISTRATOR: Briefly introduces SCR 8.

195 REP. UHERBELAU: Gives some background on the Elk Creek Dam Project.

205 REP. NORRIS: Provides further comments regarding storage of water.

CHAIR TARNO: Closes the Public Hearing on SCR 8

Opens the WORK SESSION on SCR 8.

215 REP. LUKE: Moves SCR 8 be sent to the floor with a BE ADOPTED recommendation.

VOTE: 7-4
AYE: 7 - Fisher, Lewis, Luke, Norris, Tarno, Wells, Welsh
NAY: 4 - Corcoran, Josi, Thompson, Uherbelau
EXCUSED: 1 - Naito

CHAIR: The motion CARRIES.

REP. JOHN WATT will lead the discussion on the Floor.

239 CHAIR TARNO: Closes the WORK SESSION on SCR 8

ADJOURNS the meeting at 7:23 PM.

Transcribed by,

Reviewed by,

Gail E. Boesch
Committee Assistant

Mark Bauer
Committee Administrator

EXHIBIT SUMMARY:

- A - Testimony on HB 3461 -- Mike Simms, Oregon Shellfish Association -- 1 page
- B - Testimony on SB 1127 -- SENATOR STAN BUNN -- 2 pages
- C - Testimony on HB 3461 -- Gary Gustafson, Division of State Lands -- 1 page
- D - Testimony on SB 812 -- Phil Ward, Oregon Department of Agriculture -- 1 page
- E - Testimony on SB 889 -- Dave Nelson, Oregon Dairy Farmers Association -- 1 page
- F - Testimony on SB 1059 -- Rod Ingram, Oregon Department of Fish & Wildlife -- 1 page
- G - Testimony on SB 613 A -- Larry George, Oregonians In Action -- 2 pages