

HOUSE COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON AGRICULTURE & FORESTRY

Hearing Room  
Tapes 17 - 20

MEMBERS PRESENT:

REP. BILL FISHER, Chair  
REP. TONY CORCORAN, Vice-Chair  
REP. LARRY WELLS  
REP. JIM WELSH  
REP. TIM JOSI

STAFF PRESENT:

PAT ZWICK, Committee Administrator  
GAIL E. BOESCH, Committee Assistant

MEASURES HEARD:            HB 2612 - Public Hearing and Work Session  
                              HB 2180 - Public Hearing  
                              HB 2868 - Public Hearing and Work Session  
                              HB 2870 - 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 17, A

005        CHAIR FISHER: Opens the meeting at 1:34 PM.

Opens the Public Hearing on HB 2612  
Witnesses: Terry Witt, Oregonians for Food and Shelter  
              Jane Tracy, Oregon Pest Control Association  
              Pat Ehrlich, Association of Oregon Counties  
              David Nelson , Oregon Grass Seed Council  
              Mike Dewey, Oregon Wheat Growers  
              Scott Ashcom, Oregon Association of Nurserymen  
              John McCulley, Tree Fruit Growers  
              Lorna Youngs, Oregon Department of Agriculture  
              Becky Riley, NW Coalition of Alternatives to Pesticides  
              Everett Cutter, Oregon Railway Association  
              Bill Perry, Oregon Farm Bureau  
              Ray Wilkeson, Oregon Forest Industries Council

020        STAFF: Submits Exhibit A, Staff Measure Summary on HB 2612.

030        TERRY WITT, OREGONIANS FOR FOOD AND SHELTER: Submits Exhibit C and reads from it, supporting HB 2612 - 1.

105        - Continues to read from Exhibit C.

150        - Continues with Claim #8, Exhibit C.

200        WITT: Continues, Claim #10, concludes.

208 REP. TARNO: Questions whether the Attorney General's office has ever addressed this issue.

211 WITT: Yes, two tiered response from AG, pre-empted under FIFRA and the Pesticide Control Act of 1973. Supreme Court took away half of that decision.

233 JANE TRACY, OREGON PEST CONTROL ASSOCIATION: Submits and reads Exhibit D, supporting HB 2612-1.

270 PAT EHRLICH, ASSOCIATION OF OREGON COUNTIES: Submits Exhibit E, offering an amendment to HB 2612, adding an additional section to the bill.

320 DAVID NELSON, OREGON GRASS SEED COUNCIL: Submits Exhibit F, offering information on grass seed production. Supports passage of HB 2612.

400 MIKE DEWEY, OREGON WHEAT GROWERS: Testifies in support of HB 2612.

TAPE 18, A

030 DEWEY: Endorses bill as printed, has not had a chance to examine amendments.

065 SCOTT ASHCOM, OREGON ASSOC. OF NURSERYMEN, ETC: All associations have voted to support HB 2612 as amended by -1 amendments, elaborates on concerns about AOC amendments.

100 Language alluding to local governments is what bothers us. State does have the expertise to regulate pesticides.  
- Proposes to delete " or other political subdivision".

170 JOHN MCCULLEY, TREE FRUIT GROWERS: Testifies in support of HB 2612.

196 LORNA YOUNGS, OREGON DEPARTMENT OF AGRICULTURE: Submits Exhibit G and reads it in support of HB 2612.

222 REP. WELSH: Requests Ms. Youngs' opinion of AOC amendment.

225 YOUNGS: Understands concerns, doesn't understand why it can't be done without law.

256 BECKY RILEY, NORTHWEST COALITION FOR ALTERNATIVES TO PESTICIDES (NCAP): Submits Exhibit H, opposing HB 2612. Reads, calling bill unnecessary legislation for a non-existent problem.

300 RILEY: Continues presentation of testimony opposing HB 2612. Calls attention to letter from Portland Bureau of Water Works (Exhibit H).

370 - States concerns regarding proposed OFS amendments.

398 REP. TARNO: Refers to Exhibit H, requests examples of contamination referred to in testimony.

420 EVERETT CUTTER, OREGON RAILWAY ASSOCIATION: Uses herbicides to clear right of way on rails, supports HB 2612.

447 BILL PERRY, DIRECTOR OF GOVERNMENT AFFAIRS, OREGON FARM BUREAU:. Counties should have the ability to manage their lands.  
- Regarding groundwater, cites SB 1010 as sufficient legislation. Feels HB

2612 is unneeded.

TAPE 17, B

052 RAY WILKESON, OREGON FOREST INDUSTRIES COUNCIL: Testifies in support of HB 2612.

063 CHAIR FISHER: Closes the Public Hearing on HB 2612

Opens the Work Session on HB 2612

MOTION: REP. JOSI: Moves the -1 amendments BE ADOPTED.

CHAIR FISHER: Hearing no objections, the -1 amendments are ADOPTED.

MOTION: REP. JOSI: Moves that HB 2612, AS AMENDED, be referred to the Full Committee with a DO PASS recommendation.

REP. FISHER will lead the discussion in full committee.

088 WITT: Comments to -1 amendments; do not prohibit decision-making abilities of counties or governments.

108 CHAIR FISHER: Closes the Public Hearing on HB 2612  
Opens the Public Hearing on HB 2180  
Witnesses: Lorna Youngs, Oregon Department of Agriculture  
Ray Wilkeson, Oregon Forest Industries Council  
Leroy Klein, Manager, Department of Forestry  
Terry Witt, Oregonians for Food & Shelter

121 STAFF: Presents overview of HB 2180, Exhibit I. Also submits for the record, Exhibit J, fiscal information.

145 LORNA YOUNGS, OREGON DEPARTMENT OF AGRICULTURE: Submits Exhibit K, introducing HB 2180.

220 REP. CORCORAN: Questions definition of "imported"; notes there is no inclusion of Canadian products.

227 YOUNGS: Correct, contiguous areas (ecosystems) not included; concerned about pests from "a totally different part of the country coming into the United States". Explains differences between Canada and Mexico; tropical regions.

247 REP. FISHER: Questions rule of thumb of "bone dry ton".

254 YOUNGS: Weight of material with water removed; can provide technical information.

Discussion follows regarding budget.

270 YOUNGS: Our agency would only be able to expend the \$200,000 worth of fiscal impact; there would be no need to collect additional revenues that can only be expended on this bill.

304 REP. TARNO: Questions how materials are coming into state.

310 YOUNGS: Responds with a brief listing of venues.

Discussion follows regarding inspections

363 REP. WELSH: Queries if Department of Agriculture currently has an existing program comparable to this, i.e. nursery industry.

370 YOUNGS: Nursery industry is a good example, elaborates.

398 REP. WELLS: Expresses concerns about bringing products into Canada first, then into U.S. as a Canadian import.

TAPE 18, B

005 YOUNGS: Country of origin is noted upon entry, U.S. is notified, regardless whether imported product may have come in through Canada.

018 REP. WELSH: Questions make up of proposed staff expansion.

020 YOUNGS: Responds, current staff lacks expertise in the fungi area, biggest potential threat.

040 RAY WILKESON, OREGON FOREST INDUSTRIES COUNCIL: Submits Exhibit L, supporting HB 2180.  
- Discusses subsequent referral to Ways & Means.

110 CHAIR FISHER: Questions if Mr. Wilkeson is satisfied with fee structure.

115 WILKESON: Comments that fee structure is probably an appropriate one.

122 REP. TARNO: Poses question about importing chips and fibers.  
- Has state agriculture department done inspections for the last two years.

144 LEROY KLEIN, MANAGER, INSECT DISEASE DEPARTMENT, DEPT. OF FORESTRY: Points out problems with Federal government, more comfortable moving responsibility to local level.  
- Suggests amending HB 2180, Sec. 2 (3), 'logs', add to definition.

205 TERRY WITT, OREGONIANS FOR FOOD & SHELTER: Supports HB 2180.

245 CHAIR FISHER: Closes the Public Hearing on HB 2180  
Opens the Public Hearing on HB 2868  
Witness: Sergeant Steven Land, Oregon State Police

280 SERGEANT STEVEN R. LAND, OREGON STATE POLICE, FISH AND WILDLIFE DIVISION: Submits Exhibit N, and reads from it, supporting HB 2868. Presents video explaining decoy program. Submits Exhibit O for additional information.

364 - Submits Exhibit P from Rod Ingram, Deputy Director, Oregon Department of Fish and Wildlife, in support of HB 2868.

364-420 Video on Wildlife Decoys.

TAPE 19, A

002 (Note trouble with tape counter, counts may be off by about 30 points)  
REP. WELLS: Requests clarification of purpose and reasons for HB 2868.

011 CHAIR FISHER: Closes the Public Hearing on HB 2868  
Opens the Work Session on HB 2868  
MOTION: REP. JOSI: Moves that HB 2868 be sent to the Full Committee with a DO PASS recommendation.  
VOTE: In a roll call vote, all members are present and vote AYE.  
CHAIR FISHER: The motion CARRIES.  
REP. WELLS will lead the discussion in committee.

023 CHAIR FISHER: Closes the Work Session on HB 2878

CHAIR FISHER: Opens Public Hearing in HB 2870  
Witnesses: Cindy Ziel, Oregon Pet Industries Association  
Michael Twain, Oregon Pet Industries Association  
Cheryl Brittain, Oregon Animal Welfare Alliance

025 STAFF: Presents overview of HB 2870, Exhibit Q.

030 CINDY ZIEL: Testifies in support of HB 2870.

053 MICHAEL TWAIN, OREGON PET INDUSTRIES ASSOCIATION: Submits Exhibit R,

supporting HB 2870.

075 REP. JOSI: Questions whether current law precludes animal shelters from giving away animals to pet stores.

080 TWAIN: No, but industry practice has been to refuse cooperation. Bill would create format where that could take place. Notes brevity of bill, elaborates. Notes savings incurred by bill.

120 ZIEL: Philosophical differences, specific standards for breeders. Fear of lesser treatment by pet stores; notes review process to meet standards.

Notes a list of differences between Humane Society and pet stores.

156 TWAIN: Owns 18 retail pet stores, commissioned study - 85+% had their animals sterilized. Suggests that the level of investment in the pet to purchase from a pet store has something to do with it.

200 CHERYL BRITTAIN, OREGON ANIMAL WELFARE ALLIANCE: Opposes HB 2870, requests delay in work session to allow other groups to testify in opposition. Submits Exhibit S.

253 Discussion ensues regarding allowing another hearing. Chair suggests testimony in Senate hearing.

279 BRITTAIN: States that the Humane Society doesn't use the term "euthanasia" anymore, "we kill them. We don't hide anything."  
- When an animal is surrendered to the Humane Society, it becomes our property.

308 REP. JOSI: Questions whether the alliance is a "private organization"

310 BRITTAIN: Networking organization, represent Humane Societies that are non-profit.  
Notes that there are some Humane Societies that do not require spaying/neutering.

377 REP. CORCORAN: Questions whether pet stores would sell animals for scientific research.

388 BRITTAIN: No, didn't mean to imply that.

TAPE 20, A

005 CHAIR FISHER: Comments on animal shelters, dislikes them. Would prefer pet stores. Seems better to sell than to kill animals.

020 REP. WELSH: Comments that a family adopting from a pet store, making an investment, would be likely to take care of that animal.

031 BRITTAIN: Education and adoption counseling works best. The Humane Society displays animals at pet supply stores throughout state.

041 REP. WELSH: Questions what is involved in educational process.

046 BRITTAIN: Breeds needs, problems, cat reviews, contracts; we listen to find out what people are expecting; not adversarial.

056 REP. WELSH: Questions how long, and how much education is required.

081 BRITTAIN: Sometimes require 24 hour wait, depends on situation and if they're first time pet owners.

070 CHAIR FISHER: Closes Public Hearing on HB 2870  
Opens Work Session on HB 2870

080 REP. CORCORAN: Questions if language requiring veterinary care was removed, would that take care of cost issue.

095 BRITTAIN: I'm not ready to concede anything.

098 REP. JOSI: Expresses concern about pet seizure, if animals are private property of shelters, doesn't seem right.

126 CHAIR FISHER: Provides further discussion supporting bill.

165 REP. JOSI: Would like more time to consider ramifications of bill.

170 REP. CORCORAN: Concurr.

186 CHAIR FISHER: Closes Work Session on HB 2870

Staff submits for the record a letter from City of Portland (Exhibit T), and a phone message from Tom Gervon Lincoln City, both opposing HB 2612.

205 CHAIR FISHER: ADJOURNS meeting at 4:13 pm.

Submitted by, Reviewed by,

GAIL E. BOESCH PAT ZWICK  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2612; Staff Measure Summary -- Pat Zwick, Committee Administrator --

1 page

B - HB 2612, Proposed Amendments -- Staff -- 1 page

C - Testimony on HB 2612-1 -- Terry Witt, Oregonians for Food and Shelter --

8 pages

D - Testimony on HB 2612 -- Lonnie Anderson, Pest Control Operators of Oregon -- 1 page

E - Testimony on HB 2612 -- Pat Ehrlich, Association of Oregon Counties -- 1

page

F - Oregon Grown Grass Seed, Brochure -- David Nelson, Oregon Seed Council -- 10 pages

G - Testimony on HB 2612 -- Lorna Youngs, Oregon Department of Agriculture -- 1 page

H - Testimony on HB 2612 -- Northwest Coalition for Alternatives to Pesticides -- 7 pages

I - HB 2180; Staff Measure Summary; list of fees; related statutes -- 9 pages

J - HB 2180, Fiscal Analysis -- Staff -- 1 page

K - Testimony on HB 2180 -- Lorna Youngs, Department of Agriculture -- 2

pages

L - Testimony on HB 2180 -- Oregon Forest Industries Council -- 3 pages

M - HB 2868; Staff Measure Summary -- Pat Zwick, Committee Administrator -- 1 page

N - Testimony on HB 2868 -- Sergeant Steven R. Lane, Oregon State Police -- 3 pages

O - Wildlife Enforcement Decoy, Brochure -- Oregon State Police -- 19 pages

P - Testimony on HB 2868 -- Rod Ingram, Oregon Department of Fish and

Wildlife -- 1 page

Q - HB 2870; Staff Measure Summary -- Pat Zwick, Committee Administrator -- 1 page

R - Testimony on HB 2870 --- Michael Twain, Oregon Pet Industry Association - 1 page

S - Testimony on HB 2870 -- Cheryl Brittain, Oregon Animal Welfare Alliance-- 1page

T - Letter on HB 2612 -- Staff/ City of Portland -- 1 page