

SENATE COMMITTEE ON
AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENT

May 19, 1995 Hearing Room
2:30 P.M. Tapes 106, 108

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair
Sen. Rod Johnson, Vice Chair
Sen. Bill Dwyer
Sen. Brenda Brecke

Sen. Marylin Shannon

MEMBER EXCUSED:

STAFF PRESENT:

Bruce McIntosh, Committee Administrator
Catrina Victor, Committee Assistant

MEASURES HEARD:

HB 2120, Work Session
HB 2222, Work Session
HB 2569, Work Session
HB 2615, Work Session
HB 3112, Work Session
HB 3429, Work Session
HB 2611, 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 106A,

- 03 CHAIR KINTIGH: Calls meeting to order at 2:30 p.m.
- 05 Opens the PUBLIC HEARING on HB 2120
- 10 REP. VERAL TARNO, District 48: Bill came off the floor of the House with strong support. Bill gets Oregon out of the business of listing species if federal government is already doing this. No need for duplication of effort.
- 32 SEN. DWYER: Is there any opposition to this bill?
- 35 ROD INGRAM, Deputy Director, Oregon Department of Fish and Wildlife: In support of bill.
- 40 CHAIR KINTIGH: Governor is okay with bill (received note from the Governor's assistant, Paula Burgess)
- 43 Closes the PUBLIC HEARING on HB 2120
 Opens WORKS SESSION on 2120
- 45 MOTION: SEN. DWYER: Moves HB 2120 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. SEN. JOHNSON is
EXCUSED.

CHAIR KINTIGH: The motion CARRIES.

CHAIR KINTIGH will carry the bill.

60 Closes the WORK SESSION on HB 2120
Opens the PUBLIC HEARING on HB 2222

65 ROD INGRAM, Deputy Director, Oregon Department of Fish and Wildlife: In
support of HB 2222. Bill removes the sunset on the Fish Endowment Account
(the account sunsets this year). Presents written testimony [EXHIBIT C].

75 KEN EVANS, Oregon Anglers: Supports HB 2222. Roughly \$26 million behind
in hatchery maintenance.

80 Closes the PUBLIC HEARING on HB 2222
Opens the WORK SESSION on HB 2222

88 MOTION: SEN. DWYER: Moves HB 2222 to the Floor with a DO PASS
recommendation.

VOTE: In a roll call vote, all members present vote AYE. All members are
present.

CHAIR KINTIGH: The motion CARRIES.

SEN. BRECKE will carry the bill.

93 Closes the WORK SESSION on HB 2222
Opens the PUBLIC HEARING on HB 2569

100 REP. LARRY SOWA, District 26: In favor of bill HB 2569.

120 REP. VERAL TARNO, District 48: In favor of this bill. As you can see in
its support by both Democrats and Republicans, this is a non-partisan bill.

135 STEVE LANE, Oregon State Police, Fish and Wildlife Division: Supports HB
2569. By increasing the offense to a Class A Misdemeanor, the police will
be allowed to take action under probable cause, arrest the person, persons
or group, and take offenders into physical custody. By elevating penalty to
misdemeanor level, this will add the deterrence of possible jail

time and a possible fine. Suggests deleting the word "intentionally" in
Subsection 1. Presents written testimony [EXHIBIT E].

175 Closes the PUBLIC HEARING on HB 2569
Opens the WORK SESSION on HB 2569

177 MOTION: SEN. DWYER: Moves that HB 2569 be amended, deleting the word
"intentionally" from line 6.

185 SEN. BRECKE: Questions the deletion of the word.

203 SEN. JOHNSON: Asks what the four culpable mental states are.

207 LANE: The four mental states are intentionally, knowingly, recklessly,
and with criminal negligence.

220 CHAIR KINTIGH: How much different is it if we took out "intentionally"?

223 LINDSAY BALL, Oregon State Police, Fish and Wildlife Division: With the

word in the statute, it narrows the scope of the four elements of culpability that can be used when defining the crime. With the word "intentionally" there, they have to be very specific in their proof that the person had the intent to disrupt and obstruct the hunter.

250 SEN. JOHNSON: Is there a statute that states when there is no mental state stated in a criminal statute, the four mentioned states all apply?

258 BALL: If there is no element of culpability on behalf of the suspect, then that crime is automatically reduced to a violation.

243 SEN. JOHNSON: Questions whether they need to put all four of the mental states in writing, in the bill.

265 BALL: ORS 161.085 pertains to all crimes, and is the statute of culpability.

285 SEN. JOHNSON: Reads the relating statutes and questions the interpretations with the word deletion.

301 BALL: Agrees with the observations by the committee.

315 CHAIR KINTIGH: Asks Rep. Tarno if there will be any problems with the bill if they delete the word.

316 TARNO: Doesn't think there will be a problem, but keeping the word in would be more of a benefit.

323 SEN. JOHNSON: Reads from ORS 161.115 (2) regarding culpability.

347 BALL: This is a confusing issue because we have to work under criminal law, then move to wildlife law. Since wildlife laws are classified as Class

A Misdemeanors, which are crimes, then that comes back under the umbrella of criminal law.

Tape 108A,

02 SEN. JOHNSON: Is comfortable that between ORS 161.115 (2) and ORS 496.992

(1), the four mental states do not need to be listed in the bill.

12 VOTE: CHAIR KINTIGH: Hearing no objection the amendment is ADOPTED. SEN. BRECKE is EXCUSED.

14 MOTION: SEN. DWYER: Moves that HB 2569, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. All members are present.

CHAIR KINTIGH: The motion CARRIES.

SEN. DWYER will carry the bill.

20 Closes the WORK SESSION on HB 2569
Opens the PUBLIC HEARING on HB 3112

26 SEN. MAE YIH, District 19: In support of HB 3112. Proposes -A3 amendments. Presents written testimony [EXHIBIT I].

50 ROD HARDER, National Rifle Association: Explains the new amendments presented. Suggests that the words "or initial operation" be stricken from lines 6 and 7, and lines 16 and 17 of the -A3 amendments. Tells of past

court cases regarding these issues.

98 SEN. DWYER: Asking Mr. Harder if he has seen the note from Legislative Counsel.

100 HARDER: Yes, and thinks they have addressed that in what has just been discussed.

102 TIM PITZER, Albany Rifle and Pistol Club: In support of HB 3112 with Sen. Yih's amendments. Expresses the need to allow police and other law enforcement officials to train, especially at night.

131 JOHN NICOLS, Oregon Gun Owners Incorporated: In support of the bill and the -A3 amendments. From a personal standpoint, about half of the noise complaints occur right after the police use the range. Is concerned about the public relations aspects of letting the police shoot at night.

157 SEN. BRECKE: Is it possible that the new kind of ammunition that is now being used is much more powerful and louder?

163 NICOLS: That is true. I am concerned the public relations of the range will be hurt because

of the training.

180 SEN. DWYER: I feel if the police are bothering the neighbors they should use their own ranges not affecting local home owners. It could hurt the range and possibly close them down.

201 SARAH HACKETT, League of Oregon Cities: Speaks in opposition to HB 3112. Feels the committee should look into city located ranges vs. those within the county.

245 REP. VERAL TARNO, District 48: Night shooting is very important to police officers. Suggests limiting night shoots to a few times a month and posting the dates for neighbors.

270 CHAIR KINTIGH: Discusses time constraints of getting bill through the system.

305 SEN. DWYER: Suggests conceptual amendments. Hopes we have enough time to get it through the system. Recommends publication of shoots in local papers.

353 Closes the PUBLIC HEARING on HB 3112
Opens the WORK SESSION on HB 3112

355 MOTION: SEN. DWYER: Moves to ADOPT the HB 3112-A3 amendments dated 5/19/95, and that HB 3112 be further amended with conceptual amendments.

358 BRUCE MCINTOSH, Committee Administrator: Clarifies amendments.

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

375 MOTION: SEN. DWYER: Moves that HB 3112, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. All members are present.

CHAIR KINTIGH: The motion CARRIES.

SEN. DWYER will carry the bill.

390 Closes the WORK SESSION on HB 3112
Opens the PUBLIC HEARING on HB 2615

402 REP. VERAL TARNO, District 48: Gives background information on HB 2615.
Tape 106B,

03 JAY RASMUSSEN, Oregon Coastal Zone Management Association: In support of
HB 2615. Explains the bill. Explains need for the -A2 amendments.

31 SEN. DWYER: Have you seen the testimony from Oregon Trout?

32 RASMUSSEN: Yes, and I've tried to address those concerns.

60 TARNO: Relays the questions raised by Oregon Trout and voices support for
-A2 amendments.

74 ROD INGRAM, Deputy Director, Oregon Department of Fish and Wildlife: We
have worked with the working group on this language and support the bill.
There was a great deal of community involvement and volunteering. Supports
the amendments to the bill. Presents written testimony [EXHIBIT J].

100 SEN. DWYER: How many fish were marked?

105 RASMUSSEN: 100% of the fish.

113 SEN. BRECKE: How will the Salmon Task Force and this bill work together?

117 RASMUSSEN: Clarifies.

122 SEN. DWYER: I'm not against this bill as long as we mark all of the fish
to track them.

138 SEN. JOHNSON: Do we need the -A2 amendments?

145 INGRAM: Yes we do. They further define the priority of department
hatcheries vs. all other hatcheries.

173 JIM MYRON, Oregon Trout: We would not support anything to change or
weaken the wild fish policy. We recommend our amendments. Presents written
testimony and hand-engrossed amendments [EXHIBIT G].

205 KEN EVANS, Oregon Anglers: In support of HB 2615. This bill in
cooperation with SB 1127 will be beneficial. In support of -A2 amendments.

234 Closes the PUBLIC HEARING on HB 2615
Opens the WORK SESSION on HB 2615

238 BRUCE MCINTOSH, Committee Administrator: Clarifies amendments.

246 MOTION: SEN. JOHNSON: Moves to ADOPT the HB 2615-A2 amendments dated
5/18/95.

VOTE: CHAIR KINTIGH: Hearing no objection the amendments are ADOPTED. SEN.
SHANNON is EXCUSED.

271 MOTION: SEN. JOHNSON: Moves to ADOPT the hand-engrossed amendments to HB
2615 dated 5/19/95.

VOTE: CHAIR KINTIGH: Hearing no objection the amendments are ADOPTED. SEN. SHANNON is EXCUSED.

297 MOTION: SEN. JOHNSON: Moves that HB 2615, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. SEN. SHANNON is EXCUSED.

CHAIR KINTIGH: The motion CARRIES.

SEN. BRECKE will carry the bill.

311 Closes the WORK SESSION on HB 2615
Opens the PUBLIC HEARING on HB 2611

320 REP. BILL FISHER, District 45: Speaks in support of HB 2611. Gives brief overview of the bill and its history. We are trying to take the three types of fish listed and make them as though they are like other tropical fish. Shows a letter that proves bacteria has been transferred from these fish [EXHIBIT L].

Tape 108B,

14 SEN. JOHNSON: There is no way someone could raise piranha in an aquarium and then release them into the river. They would die due to the temperature of the water. Why not allow any type of piranha to be raised in Oregon?

19 FISHER: There is a true piranha that is considered a fish that we do not want in Oregon.

28 SEN. DWYER: Relays a story of a piranha that was caught in the Willamette years ago.

44 ROD INGRAM, Deputy Director, Oregon Department of Fish and Wildlife: The only concern would be potential escape. But due to the water temperature they are unable to live.

59 Close the PUBLIC HEARING on HB 2611
Open the WORK SESSION on HB 2611

61 MOTION: SEN. JOHNSON: Moves HB 2611 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. All members are present.

CHAIR KINTIGH: The motion CARRIES.

SEN. JOHNSON will carry the bill.

69 Closes the WORK SESSION on HB 2611
Opens the PUBLIC HEARING on HB 3429

72 DAVE NELSON, Oregon Seed Council, Oregon Ag-Fiber Association: Speaks in support of bill. Bill clarifies that straw is an agricultural commodity.

89 PHIL WARD, Assistant Director, Oregon Department of Agriculture: Department supports bill.

90 Closes the PUBLIC HEARING on HB 3429
Opens the WORK SESSION on HB 3429

91 MOTION: SEN. JOHNSON: Moves HB 3429 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. All members are present.

CHAIR KINTIGH: The motion CARRIES.

SEN. SHANNON will carry the bill.

95 CHAIR KINTIGH: Adjourns the meeting at 3:10 p.m.

Submitted by, Reviewed by,

Catrina Victor Bruce McIntosh
Committee Assistant Committee Administrator

EXHIBIT LOG:

A- Measure Summary on HB 2120 - Staff - 2 pages
B- Measure Summary on HB 2222 - Staff - 1 page
C- Testimony on HB 2222 - Rod Ingram - 2 pages
D- Measure Summary on HB 2569 - Staff - 1 page
E- Testimony on HB 2569 - Steve Lane - 2 pages
F- Measure Summary on HB 2615 - Staff - 2 pages
G- Testimony on HB 2615 - Jim Myron - 3 pages
H- Measure Summary on HB 3112 - Staff - 6 pages
I- Testimony on HB 3112 - Sen. Yih - 3 pages
J- Testimony on HB 2615 - Rod Ingram - 2 pages
K- Letter from Robert Goldstein re: HB 2611 - Rep. Fisher - 2 pages
L- Measure Summary on HB 3429 - Staff - 1 page
M- Testimony on HB 3429 - Dave Nelson - 1 page