

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

May 21, 1993 Hearing Room D 1:00 p.m. Tapes 92 - 95

MEMBERS PRESENT: Rep. Liz VanLeeuwen, Chair Rep. Ray Baum Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep. Dennis Luke Rep. Bill Markham Rep. Chuck Norris

MEMBER EXCUSED: Rep. Ray Baum Rep. Tim Josi

STAFF PRESENT: Catherine Fitch, Committee Administrator Sue Nichol, Committee Clerk

MEASURES CONSIDERED:

HB 3649 - Public Hearing HB 2097 - Public Hearing and Work Session HB 3124 - Public Hearing and Work Session

WITNESSES: Rep. Larry Sowa, District 26 Rod Ingram, Oregon Department of Fish and Wildlife Bill Perry, Oregon Farm Bureau Stephen Kafoury, The Wildlife Society Ray Elicker, The Wildlife Society Dale Pearson, Fisheries Restoration and Enhancement Board Rod Harder, Oregon Sportsmen's Defense Fund Inc. Larry Hill, Oregon Guides and Packers Molly Emmons, Veterinary Board Tom Keck, DVM, Veterinary Board Nan Dewey, Oregon Veterinary Medical Association

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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. [--- Unable To Translate Graphic ---]

TAPE 92, SIDE A

005 CHAIR VanLEEUEWEN: Calls the meeting to order at 1:15. PUBLIC HEARING ON HB 3649

012 CATHERINE FITCH: HB 3649 establishes within the State Department of Fish and Wildlife an Access and Habitat Board for special wildlife

programs. Rep. Sowa has additional amendments (Exhibit A).

020 REP. LARRY SOWA, District 26: Explains the proposed amendments that address concerns brought up at the last meeting.

046 CHAIR VanLEEUEWEN: On line 26, the additional language should say "a list of at least 15 submitted by..."

053 REP. MARKHAM: How big is the Salmon Restoration and Enhancement

Board?

056 REP. SOWA: It is the same size.

058 REP. MARKHAM: Do they spend their own money?

060 REP. SOWA: They cannot spend out any money that is not recommended by the Board.

095 CHAIR VanLEEuwEN: Is the fee that is changed from \$10 to \$2 a new fee?

100 REP. SOWA: Yes.

103 CHAIR VanLEEuwEN: How much of the surcharge goes to this?

104 REP. SOWA: All of it goes to this.

110 REP. MARKHAM: Are all of the fees in Section 8 new fees?

112 REP. SOWA: Yes.

112 REP. NORRIS: On the non-resident annual elk tag, is that refunded if they are unsuccessful in the draw?

118 REP. SOWA: That is refunded, but the license fee is not.

124 REP. MARKHAM: How long have we not refunded this money?

127 ROD INGRAM, Department of Fish and Wildlife: We have never refunded this money.

132 REP. DOMINY: The idea is, we aren't going to charge as much for the initial fee, but we're going to charge more for each individual one

underneath it. Is that correct?

134 INGRAM: Yes.

136 REP. DOMINY: How much more money will come from hunters? 137 INGRAM: Off the top of my head, about \$1.2 million coming from these surcharges.

142 REP. DOMINY: What will be lost from the other part?

146 INGRAM: There's no loss of existing revenue.

161 REP. SOWA: Section 16 was added to be consistent with HB 2538. Section 17 addresses the concern regarding the preference system.

185 INGRAM: Preference points will be given for deer and antelope this year. Elk will be added soon.

204 REP. MARKHAM: Under the old antelope law you had to wait 5 years to draw again if you received a preference?

205 INGRAM: You still do that now.

214 REP. LUKE: Even if a person doesn't get into a specific unit, they

will still get a tag, won't they?

215 INGRAM: Explains how the preference system works.

231 REP. LUKE: There are still areas where you don't have to have a drawing?

235 INGRAM: The mule deer hunt is under limited entry right now. There are some areas where the tags go begging.

240 REP. NORRIS: If a hundred people put in for tags, how many are expected to get them?

245 INGRAM: On buck antelopes, there's about a 10 - 15% chance of drawing a tag.

251 REP. MARKHAM: Are the points accumulative?

254 INGRAM: Yes. The more points you have, the more preference you have.

269 REP. SOWA: We may need to strike the amended language on page 6, line 40, referring to the percentage of tags allocated to non-resident

hunters.

292 CHAIR VanLEEuwEN: How does Mr. Ingram feel about this point?

297 INGRAM: I would suggest deleting the amended language and leaving it at five percent.

313 CHAIR VanLEEuwEN: What is your reasoning for not limiting it to 3%?

321 INGRAM: Non-residents don't make up a large percentage of our hunters. Some western states have been sued over the restrictions on

non-residents because of the public land. That land belongs to both

residents of the state and non-residents. 354 REP. LUKE: What's the current criteria for determining the number of non-resident tags that are issued?

360 INGRAM: It's no more than three percent.

369 REP. SOWA: Last session we took deer and elk out of the three percent language and created this new language that we're in the process of

amending now.

392 REP. LUKE: Do you fill up with three percent?

396 INGRAM: We had 20% of the hunts filled up.

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006 REP. LUKE: For the three percent, if those aren't filled

with the non-residents, are they kicked in for non-residents?

008 INGRAM: That's correct.

012 REP. LUKE: So basically, what we do is take out the amended language in lines 39 and 40?

014 INGRAM: That's my recommendation.

018 REP. MARKHAM: You folks would prefer the five percent and then the Commission has the authority to set limits within that?

022 INGRAM: Yes.

036 REP. SOWA: The proposal in section 12 is to propose one stamp for upland birds and waterfowl for non-residents. That would be \$25. It

makes sure a non-resident doesn't have to pay an additional \$50.

047 We're in agreement with what Rod Ingram wants to do.

057 INGRAM: Concerned with creating a separate waterfowl non-resident stamp and a upland bird stamp because then they will have to print two more

stamps. I suggest that we create one non-resident stamp and it's good for hunting both types of birds.

064 CHAIR VanLEEUEWEN: How would we change this language to do this?

068 INGRAM: We'll bring it to the next hearing.

071 REP. NORRIS: Is the upland bird stamp covered this too?

074 REP. SOWA: Yes, it's in Section 16.

091 INGRAM: On line 3, page 7 insert "to hunt upland birds and waterfowl" after "nonresidents" and repeat this language on line 18.

110 REP. MARKHAM: A lot of residents don't hunt both upland birds and waterfowl. This way you wouldn't penalize them?

117 INGRAM: That's true, plus the funds are earmarked for different programs by species.

122 CHAIR VanLEEUEWEN: How would this be divided up then?

123 INGRAM: It wouldn't be a large amount of money. It would just go into the wildlife fund to be used for either upland game or waterfowl.

124 CHAIR VanLEEUEWEN: Would the language in subsection 5, line 13 change also?

128 INGRAM: I would drop the hand-engrossed writing on line 13 and line 27.

135 REP. NORRIS: Would a resident require a separate \$5 stamp for both waterfowl and upland game?

140 INGRAM: Yes.

148 CHAIR VanLEEuwEN: Line 42 will be filled in by someone besides us?

150 REP. SOWA: Yes. That's what the referral to the next committee will do.

154 REP. MARKHAM: Isn't this revenue neutral, why does it have to go to the Revenue Committee?

156 REP. SOWA: Yes; however, section 16 refers to a tax credit and a tax deduction. That's the reason it's going on.

162 Explains additional wordsmithing amendments.

199 CHAIR VanLEEuwEN: If it read, "the Commission shall review such programs and may approve or disapprove the program recommendation by the board," would this make it clear that the Commission does not have a

line item veto?

207 REP. SOWA: That would work.

215 Suggests a conceptual amendment that will clarify to the hunter that access to private land is not automatic.

248 REP. LUKE: I don't see anything that says the surcharge goes to access?

237 REP. SOWA: It says it goes to the Access and Habitat board.

263 REP. NORRIS: It seems like it could be inserted on page 1, line 13.

280 CHAIR VanLEEuwEN: Staff suggests, "payment of these surcharges shall not entitle the license holder to any special access or privilege" to be inserted.

300 REP. SOWA: That sounds good.

317 CHAIR VanLEEuwEN: Farm Bureau has an amendment for this problem.

320 BILL PERRY, Oregon Farm Bureau: Explains suggested amendment that would make it clear that permission from a private landowner must be received before hunters can enter private property (Exhibit B).

353 REP. LUKE: Will this surcharge be separated out on your hunting license?

373 INGRAM: I'm not sure how it will work. I think it's included in the total cost of the license.

377 REP. LUKE: The only thing you'll see is the synopsis.

379 PERRY: This would only concern where the \$2 surcharge is noted separately.

401 Still has a concern with the surcharge.

TAPE 92, SIDE B

020 CHAIR VanLEEuwEN: Asks for a breakdown of what has been spent on wildlife damage control from Rod Ingram.

021 INGRAM: I will get this information for you.

030 CHAIR VanLEEuwEN: Your subsection 2 is no longer a concern?

031 PERRY: Correct.

032 REP. LUKE: Do you still have a problem with page 1, section 3, line 18 if it's not listed on the license?

034 PERRY: Any time the \$2 surcharge is addressed, we would like to see that disclaimer made.

037 INGRAM: We would put an information sheet in the synopsis that would explain where the money is going in terms of habitat access.

045 PERRY: Some of our members have expressed concern about the increase of non-resident tags to 5%. They preferred 3%.

061 INGRAM: Part of the reason for moving to five percent is coming from some landowners.

070 REP. SOWA: One of the things we want this Board to do is inform hunters on proper behavior for hunters. 081 STEPHEN KAFOURY, The Wildlife Society: Introduces Ray Elicker.

082 RAY ELICKER, The Wildlife Society: Reads testimony in support of the bill and proposes minor changes (Exhibit C).

166 REP. LUKE: There are professional people in the Department of Fish and Wildlife who will be reviewing the recommendations by the Access and

Habitat Board. The purpose of the Board is to get public input.

182 KAFOURY: We're concerned about efficiency.

191 REP. LUKE: The staff will be available to the Board.

197 ELICKER: The person wouldn't have to be a professional biologist, just have some practical wildlife background.

203 REP. NORRIS: It could be dangerous to have one biologist making these decisions because they vary in their conclusions.

220 ELICKER: Our asking for some wildlife background in the public member was that it would help the initial stages of the projects move quickly.

236 REP. NORRIS: A good catalyst can be someone with common sense who doesn't have deeply ingrained opinions.

239 REP. MARKHAM: Does the fish auxiliary group have a scientist like that on it?

244 DALE PEARSON, Fisheries Restoration and Enhancement Board: I don't think it's a problem. Putting someone on the board with a professional

background would have a negative impact.

280 REP. MARKHAM: The effect is that if you needed expertise, you asked the Department for it, correct?

289 PEARSON: Yes.

321 ROD HARDER, Oregon Sportsmen's Defense Fund Inc.: Supports the concept of having an Access and Habitat Board. Reads testimony expressing his

concerns (Exhibit D).

400 Suggests that the public member of the board be approved by the other members of the board.

TAPE 93, SIDE B

046 Would support the lowering of the surcharge from \$10 to \$2.

065 CHAIR VanLEEuwEN: In Section 9, did we get the "step" concept put in here.

070 HARDER: Yes.

093 REP. MARKHAM: Do your people not feel the pressure from the feds that this area must be opened up to non-residents?

095 HARDER: I'm not sure if it will hold water in court.

140 REP. MARKHAM: Are your ideas in the -2 amendments?

142 HARDER: We are in agreement with those amendments.

224 REP. DELL: Could another person be appointed on the board for dispute resolution?

226 HARDER: That's a possibility that should be explored.

244 REP. SOWA: I don't think this should be sunsetted because we need a continuing board that can work together and continue to solve the

problem.

274 HARDER: We would not support any more General Fund money going into this.

288 REP. MARKHAM: What are the Green Forest and DEAR Programs?

293 HARDER: They are monies that are used to make plantings which draw wildlife away from planted crops.

299 The DEAR program provides habitat for mule deer.

306 CHAIR VanLEEuwEN: Asks Mr. Ingram how many total big game hunting tags are sold in a year?

308 INGRAM: Roughly, in the controlled hunt process, we handle about 250 applications. We sold 323,000 deer tags, almost 165,000 elk tags. We

also sell about 20,000 bear tags; 3,000 antelope tags, 500 cougar tags.

352 CHAIR VanLEEuwEN: How many of those are non-resident tags?

357 INGRAM: About 4,500 deer; 6,000 elk.

366 REP. SOWA: Explains additional amendment on page 6, line 24, which inserts mountain sheep ram.

TAPE 94, SIDE A

011 LARRY HILL, Oregon Guides and Packers: Distributes and explains charts comparing resident and non-resident hunting fees for the states in the

region (Exhibit E).

120 Supports the original bill and the proposed amendments except for eliminating the 5% cap on tags for deer and elk for non-residents. This may constitute a limitation on interstate commerce.

213 CHAIR VanLEEuwEN: Was the working group in agreement on the last section of the bill?

220 REP. SOWA: I didn't hear any disagreement.

274 CHAIR VanLEEuwEN: Closes hearing on HB 3649.

PUBLIC HEARING ON HB 2097 AND HB 3124

298 CATHERINE FITCH: HB 2097 modifies veterinary licensing requirements.

327 MOLLY EMMONS, Veterinary Board: HB 2097 cleans up language regarding veterinary licensing requirements. Explains amendments (Exhibit F)

which replace "person who practices veterinary medicine" with "permit or license holder."

TAPE 95, SIDE A

005 REP. DOMINY: The stuff that was deleted in the bill has been restored in sections 6 and 8?

010 EMMONS: Correct.

044 REP. NORRIS: What is the position of the graduate from an Oregon school?

049 EMMONS: Explains the licensing process for a new graduate.

062 CHAIR VanLEEuwEN: They're not a temporary licensee?

064 EMMONS: No, the temporary license is for people coming in from out of state.

068 REP. MARKHAM: Is that an internship?

070 EMMONS: It's kind of an internship.

071 DR. TOM KECK, Veterinary Board: Further explains the process.

091 REP. NORRIS: Are the requirements for professional training in another statute?

095 EMMONS: Yes.

099 REP. MARKHAM: Asks how the new graduate begins his practical work.

114 KECK: I make sure he's competent before I send him out to a particular job.

121 REP. FISHER: When does the 365 consecutive days start? How is that limited?

146 KECK: Most border veterinarians are licensed in Oregon. Consultation is work done on a specific problem.

175 REP. FISHER: How do you keep track of the consecutive days?

177 KECK: The 365 days start with the first day of consultation according to our attorney general.

197 REP. FISHER: It doesn't seem like you answered the problem you were trying to address.

200 KECK: We changed this from one training period, which was wide open.

206 CHAIR VanLEEuwEN: Closes public hearing on HB 2097 and 3124.

WORK SESSION ON HB 2097

219 MOTION: REP. DOMINY: Moves the hand engrossed by staff proposed amendments dated 5/19/93 to HB 2097.

225 CHAIR VanLEEuwEN: Repeats motion.

226 VOTE: CHAIR VanLEEuwEN: Hearing no objections, the AMENDMENTS are ADOPTED.

230 MOTION: REP. DOMINY: Moves HB 2097, AS AMENDED, to the full committee with a DO PASS recommendation.

232 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM and JOSI are EXCUSED.

234 REP. LUKE will carry the bill.

237 REP. MARKHAM: What does "repeals exemption of vet medicine services from professional corporation laws" mean?

243 CHAIR VanLEEuwEN: Closes work session on HB 2097.

PUBLIC HEARING ON HB 3124

250 EMMONS: That refers to Section 17 of HB 2097 which is line 39, page 6. It used to be that veterinary practices had to register the professional corporations with the Board. That was repealed in 1985. The reference

was the wrong reference so it was recommended that it be taken out.

279 HB 3124 specifies the scope of powers of the Veterinary Medical Examining Board in conducting investigations.

304 CHAIR VanLEEuwEN: This applies to licensed people?

308 EMMONS: Yes.

310 REP. MARKHAM: Does this give you the same provisions that medics and dentists have on confidentiality?

312 EMMONS: Yes, it does.

315 REP. FISHER: What has been going on up to this time?

319 EMMONS: We may issue disciplinary actions based on insufficient material. This makes sure we get all the information ahead of time that we need before we issue any actions.

333 REP. FISHER: About how many times per year does that happen?

337 EMMONS: I'd estimate we average 5 per year.

342 REP. LUKE: Can they fight the subpoena through the court system?

348 EMMONS: Yes.

351 REP. DELL: On page 16 where we changed the "shall" to "may," may there be a case where the board decides that a person is subject to

prosecution criminally, and would not put that before the district attorney?

358 EMMONS: This was a recommendation by the Attorney General.

365 KECK: The problem may be solved by a practitioner voluntarily surrendering his license. This would allow us to do that without going

to court.

380 REP. DELL: That's a heavy piece of ammunition for the board to be able to bring something to the district attorney. It's a powerful

negotiating tool.

381 KECK: As a veterinarian, I would rather have the board have "may" than "shall."

395 REP. DELL: This would be discouraging for the public who brought this criminal activity to your attention because it wouldn't be brought to

the district attorney.

394 KECK: The district attorney also has the ability to plea bargain.

400 REP. LUKE: The person who brought the charge could go to the district attorney.

410 REP. DELL: That person wouldn't have all the information available.

413 EMMONS: Some of the things that are criminal may not be professional concerns.

TAPE 94, SIDE B

019 REP. LUKE: The file is open once the board has made a determination. The person who made the complaint can look at the file. The district

attorney can also look at the file.

025 REP. DELL: At what point is the information available?

028 EMMONS: After the investigation is completed.

053 NAN DEWEY, Oregon Veterinary Medical Association: We support the bill.

064 CHAIR VanLEEuwEN: Closes public hearing on HB 3124.

WORK SESSION ON HB 3124

066 MOTION: REP. DOMINY: Moves HB 3124 to the full committee with a DO PASS recommendation.

069 CHAIR VanLEEuwEN: Restates motion.

073 VOTE: On a roll call vote, all members present vote AYE. REPS. BAUM and JOSI are EXCUSED.

080 CHAIR VanLEEuwEN: The motion CARRIES.

082 REP. FISHER will carry the bill.

083 CHAIR VanLEEuwEN: Closes work session on HB 3124.

Meeting adjourned at 4:05.

Also submitted for the record: - Letter from Rod Ingram, Oregon Department of Fish and Wildlife, containing requested information regarding HB 3649 (Exhibit G).

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 3649 - Hand engrossed HB 3649-2 amendments - Staff - 12
pages B - HB 3649 - Proposed amendments - Bill Perry - 1 page C
- HB 3649 - Proposed amendments - Ray Elicker - 2 pages D -
HB 3649 - Testimony - Rod Harder - 7 pages E - HB 3649 -
Information - Larry Hill - 12 pages F - HB 2097 - Hand engrossed by
staff amendments - Molly Emmons - 6 pages G - HB 3649 -
Information - Rod Ingram - 4 pages