

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

May 28, 1993 Hearing Room D 1:00 p.m. Tapes 97 - 98

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

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

MEASURES CONSIDERED:

HB 2239 - Work Session SJM17 - Public Hearing and Work Session HB 2750 - Public Hearing and Work Session HB 3649 - Work Session SJM7 - Work Session SJM9 - Public Hearing

WITNESSES: Joe Cortright, Senate Trade and Economic Development Committee Staff Marshall Coba Tom Bailey, Orchard View Farms Tom Saine, Duckwall Pooley Fruit Company Phil Ward, Department of Agriculture Jill Holland, Department of Agriculture Rod Ingram, Department of Fish and Wildlife Rep. Larry Sowa, District 26 Rod Harder, Oregon Sportsmen's Defense Fund Larry Hill, Oregon Guides and Packers Mike Sims, Hanneman & Associations Todd Foster, Legislative Assistant to Sen. Cliff Trow

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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 97, SIDE A

005 CHAIR VanLEEUEWEN: Calls the meeting to order at 1:08. WORK SESSION ON HB 2239

006 CATHERINE FITCH, Committee Administrator: Submits hand engrossed amendments (Exhibit A) which would remove Section 1 dealing with the

increase in owner/operator liability for fire suppression costs.

016 MOTION: REP. DOMINY: Moves Hand Engrossed by Staff HB 2239-1 (LC 892) amendments dated 5/25/93.

025 CHAIR VanLEEUEWEN: Hearing no objections, the AMENDMENTS are ADOPTED.

027 MOTION: REP. DOMINY: Moves HB 2239, AS AMENDED, to the full committee with a DO PASS recommendation.

028 VOTE: On a roll call vote, all members present vote AYE. REPS. DELL and FISHER are EXCUSED but later vote AYE.

035 CHAIR VanLEEuwEN: The motion CARRIES.

037 Work session on HB 2239 is closed.

038 REP. DOMINY will carry the bill.

PUBLIC HEARING ON SJM17

042 JOE CORTRIGHT, Senate Trade and Economic Development Committee Staff: SJM17 suggests, in memorial form, that the State should participate in a regional working group on value added wood products. The working

group would be convened by the Pacific Northwest Economic Region.

Submits testimony in favor of SJM17 from Sen. Bill Bradbury (Exhibit B).

062 REP. LUKE: Did the senate side talk about how they can add value to wood products if they don't have any trees?

065 CORTRIGHT: One of the things the state can do is to try to increase the amount of value we add to each log.

079 CHAIR VanLEEuwEN: This will need to go through Ways and Means.

083 REP. MARKHAM: Why do we need this?

086 CORTRIGHT: This is a statement of intent.

108 REP. JOSI: Would this work group be paid or volunteer?

110 CORTRIGHT: There is nothing that mandates the State Economic Development Department to contribute its time and resources to this

activity.

123 REP. JOSI: This group will have to be developed?

128 CORTRIGHT: It has already met at least once.

132 CHAIR VanLEEuwEN: They have had two meetings.

138 Closes public hearing on SJM17.

WORK SESSION ON SJM17

141 MOTION: REP. DOMINY: Moves SJM 17 to the full committee with a DO PASS recommendation.

143 CHAIR VanLEEuwEN: Restates motion.

159 VOTE: On a roll call vote, all members present vote AYE. REPS. DELL and FISHER are EXCUSED, but later vote AYE.

166 CHAIR VanLEEuwEN: The motion CARRIES.

167 CHAIR VanLEEuwEN will carry the bill.

169 CHAIR VanLEEuwEN: Closes work session on SJM17.

PUBLIC HEARING ON HB 2750

170 CATHERINE FITCH: HB 2750, as amended, allows the state Department of Agriculture to enter into proceedings to create a regional apple

commission, using state statutes designed to create state-wide commodity commissions. Grants a regional apple commission authority to operate it, if formed (Exhibit C).

185 MARSHALL COBA: We are trying to create an Eastern Oregon apple commission. Submits opinion from the Attorney General's office (Exhibit D).

195 REP. LUKE: Why do they need an emergency clause?

199 COBA: It needs to be in place before the first apples are picked this year.

203 CHAIR VanLEEuwEN: Do you have the Governor's approval for this?

205 COBA: No, we have not had a discussion with the Governor's office at this time.

207 REP. NORRIS: Would this cover any and all varieties of apples, even those who haven't been discovered?

214 COBA: Yes.

225 TOM BAILEY, Orchard View Farms: The purpose of the Commission is to assess ourselves to collect funds for promotion, to do research and

operate the commission.

240 REP. MARKHAM: How do you assess?

242 BAILEY: On fresh, we would assess by so many cents by box. On processed apples we would assess by the ton.

249 REP. MARKHAM: Is it mandatory?

250 BAILEY: Yes.

252 REP. NORRIS: Would you have control over mislabeling?

256 BAILEY: No, we wouldn't be able to control this. There are laws in place dealing with labeling.

266 TOM SAINÉ, Duckwall Pooley Fruit Company: This would give us the opportunity to utilize the United States Apple Export Council in

exporting our Oregon apples. We can take advantage of market promotion programs of the USDA.

285 PHIL WARD, Department of Agriculture: Supports the bill.

291 REP. LUKE: Why was the Cherry Commission deleted from the bill?

295 WARD: That's the reference to the old regional sweet cherry commission, which has now become a statewide commission.

297 REP. MARKHAM: How many commissions do we have?

300 JILL HOLLAND, Department of Agriculture: We have 29 commodity commissions.

305 REP. JOSI: Have you contacted the governor concerning this commission?

307 WARD: We have not.

319 CHAIR VanLEEuwEN: Closes public hearing on HB 2750.

WORK SESSION ON HB 2750

324 MOTION: REP. DOMINY: Moves HB 2750-1 amendments (LC 1802) dated 5/14/93.

334 CHAIR VanLEEuwEN: Restates motion.

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

340 MOTION: REP. DOMINY: Moves HB 2750, AS AMENDED, to the full committee with a DO PASS recommendation.

342 CHAIR VanLEEuwEN: Restates motion.

344 VOTE: On a roll call vote, all members present vote AYE. REP. FISHER is EXCUSED but later votes AYE.

359 CHAIR VanLEEuwEN: The motion CARRIES.

360 REP. BAUM will carry the bill.

361 CHAIR VanLEEuwEN: Closes the work session on HB 2750.

364 MOTION: REP. DOMINY: Moves to suspend the rules so Rep. Dell can vote on HB 2239 and SJM17.

370 CHAIR VanLEEuwEN: Hearing no objections, the motion CARRIES.

376 VOTE: REP. DELL votes AYE on HB 2239.

380 VOTE: REP. DELL votes AYE on SJM17.

WORK SESSION ON HB 3649

390 FITCH: HB 3649-3 amendments are to be considered (Exhibit E). HB 364 9 creates a wildlife access and habitat board within the

Department of

Fish and Wildlife. The amendments reflects the changes previously discussed by the subcommittee.

TAPE 98, SIDE A

019 CHAIR VanLEEuwEN: One of my concerns was on the amount of money in the Green Forage and DEAR programs. I want to know what actually goes into

these program.

027 ROD INGRAM, Department of Fish and Wildlife: We were going to shoot for \$200,000.

045 CHAIR VanLEEuwEN: How much of the money was used for forage and damage, and how much was used for staff?

048 INGRAM: I didn't break out those figures.

059 CHAIR VanLEEuwEN: Why would it cost the board this much?

062 INGRAM: That's the amount the board would have to expend for different projects around the state. The board is not salaried.

089 CHAIR VanLEEuwEN: My question is what if the \$2 surcharge would be amended to \$1?

100 REP. DOMINY: Asks Rep. Sowa what that would do to the program.

104 REP. LARRY SOWA, District 26: That would make it a public relations board without enough money for programs.

118 REP. DOMINY: Would could you accomplish with half of the money?

120 INGRAM: You would cut the amount of programs you could do in half.

137 CHAIR VanLEEuwEN: Would the people who are buying the licenses react favorably?

143 REP. SOWA: If the increase is tied to a program they want, they react more favorably to the increase.

157 REP. DELL: This won't be viewed as doing anything if there's no funding for programs.

166 REP. LUKE: Most serious hunters I know are willing to support programs that will improve habitat.

177 REP. MARKHAM: If it's worth doing, it's worth doing right.

178 REP. DOMINY: The people who will be upset over an increase of fees, will be upset if it's \$1 or \$2.

186 ROD HARDER, Oregon Sportsmen's Defense Fund: I suggested a sunset because if the program doesn't work, we have a way out. I don't think

whether it's \$1 or \$2 will make much difference.

215 There is still concern about section 11, which is the tag allowance for nonresident hunters.

240 REP. SOWA: Rep. Baum has some language that would make some of the people involved more comfortable.

243 REP. BAUM: Add the language at the end of line 42, "the Commission shall set the percentage by rule each year after a public hearing."

Traditionally, before we set it at 3% it had been ranging between 3 and 5%. Is that correct?

250 INGRAM: General sales for deer have ranged about 2-1/2%; for elk about 3-1/2% with no restrictions on it. Five percent allows a cap, rather

than a restriction in some cases.

266 REP. BAUM: We aren't telling them what to do, we're telling them they can go up as high as 5%. What ramifications do we have on federal

funding if we don't allow some flexibility in the area we're talking about?

257 INGRAM: There would not be a problem in federal funding. The problem would be in potential lawsuits against the state because of the amount

of public land that we have in the state, yet we restrict access to that land by non-residents. Those suits have been filed in other Western

states. The 3% restriction is the most restrictive of the western states.

285 CHAIR VanLEEUWEN: There have been huge numbers of starvation deaths because of the weather.

289 MOTION: REP. BAUM: Moves the addition to line 42 where we add the language after the period, "The Commission shall set the percentage

by rule each year after a public hearing."

293 REP. DOMINY: Asks if Larry Hill can agree with the language.

300 INGRAM: The public hearing could be held during our big game regulations hearing every year.

309 LARRY HILL, Oregon Guides and Packers: We're pleased with the amendments.

317 REP. SOWA: Explains additional amendment on page 6, the new section 13. On the third line, after "waterfowl" put "and/or." Instead

of "bird and waterfowl stamp," insert "bird/waterfowl stamp." We're trying to

establish one non-resident waterfowl stamp and upland bird stamp. Both types of birds can be hunted with one non-resident stamp. In subsection 3, in the first line, make the same changes.

349 MOTION: REP. DOMINY: Moves on page 6a, Section 13b, the third line after the word "waterfowl" insert the word "and/or" and take out after the word "bird" the word "and" and put a slash. In the same section, the last word in the first line, take out the word "and" and put in a slash.

359 CHAIR VanLEEUEWEN: Restates motion.

368 VOTE: CHAIR VanLEEUEWEN: Hearing no objections, the AMENDMENTS are ADOPTED.

375 REP. SOWA: Lines 17 and 18 on page 6a should have been deleted.

398 MOTION: REP. DOMINY: Moves to delete lines 17 and 18 on page 6a.

400 CHAIR VanLEEUEWEN: Restates motion.

408 VOTE: CHAIR VanLEEUEWEN: Hearing no objections, the AMENDMENTS are ADOPTED.

TAPE 97, SIDE B

004 MOTION: REP. DOMINY: Moves the Hand Engrossed by Staff HB 364 9-3 (LC 3926) amendments as amended.

007 CHAIR VanLEEUEWEN: Restates motion. 008 VOTE: CHAIR VanLEEUEWEN: Hearing no objections, the AMENDMENTS are ADOPTED.

010 MOTION: REP. DOMINY: Moves HB 3649, AS AMENDED, to the full committee with a DO PASS recommended.

012 CHAIR VanLEEUEWEN: Restates motion.

017 VOTE: On a roll call vote, all members present vote AYE. REP. NORRIS is EXCUSED.

023 CHAIR VanLEEUEWEN: The motion CARRIES.

PUBLIC HEARING ON SJM7

038 FITCH: This memorial encourages Congress to re-authorize the Marine Mammal Protection Act. In the re-authorization, attention is paid to

population control or return of responsibility for the management of marine fur-bearing mammals to the states.

057 MIKE SIMS, Hanneman & Associates: Submits a copy of the resolution

from the Pacific States Marine Fisheries Commission (Exhibit F), a copy of

Sen. Kintigh's floor testimony from when this passed out of the Senate (Exhibit G) and a copy of testimony from Guy Thornburgh of the Pacific States Marine Fisheries Commission (Exhibit H).

087 Seals have caused negative impacts to salmon and shellfish.

108 Testifies that these changes are essential if we are to address all of the problems that affect our fisheries.

118 ROD HARDER, Oregon Sportsmen's Defense Fund: Summarizes testimony in support of SJM7 (Exhibit I).

130 REP. DELL: We're saying to Congress either re-authorize the Marine Mammal Protection Act or return responsibility for the fur-bearing

mammals and other marine resources to the state. Do we take everything back?

136 HARDER: My understanding is that this is a generic memorial. I don't think we lose anything. I think we should be managing those mammals.

141 REP. DELL: What else are we getting under "other marine resources?"

146 SIMS: I would imagine that the states are asking for the ability, at the state level, to take measures to enact legislation or rules that

would allow people who are impacted by these resources to at least scare the seals away.

159 REP. DELL: Does the Marine Mammal Protection Act cover whales?

165 HARDER: Yes. 168 REP. DELL: Are we saying that we would be happy if they turned over the management for the fur bearing mammals and other marine resources to us?

171 HARDER: I'm not qualified to comment on the "other marine resources."

168 CHAIR VanLEEUEWEN: I wouldn't worry too much about the accuracy of the wording.

184 REP. DELL: My intent is that Congress does not do away with the Marine Mammal Protection Act.

194 REP. FISHER: In order to get 3900 salmon to get to the spawning grounds, and another 1100 for the Indians, it would take 89,000 less

fish caught in the ocean in the area that funnels into the Columbia

River. Is that accurate?

217 SIMS: That sounds like an accurate figure.

236 REP. FISHER: Wiping out commercial fishing only provides more food for the seals.

256 INGRAM: The Department supports SJM7 (Exhibit J).

260 CHAIR VanLEEuwEN: Closes public hearing on SJM7.

WORK SESSION ON SJM7

262 MOTION: REP. DOMINY: Moves SJM 7, A Engrossed, to the full committee with a DO PASS recommendation.

263 CHAIR VanLEEuwEN: Restates motion.

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

270 CHAIR VanLEEuwEN: The motion CARRIES.

273 Work session closed on SJM7.

281 MOTION: REP. DOMINY: Moves to suspend the rules to allow Rep. Fisher to vote on HB 2239, SJM17 and HB 2750.

285 CHAIR VanLEEuwEN: Hearing no objections, the rules are suspended.

397 VOTE: REP. FISHER votes AYE on HB 2239, SJM17 and HB 2750.

PUBLIC HEARING ON SJM9

312 TODD FOSTER, Legislative Assistant to Sen. Cliff Trow: This memorial sends the message to Congress that the forest and fishing industries are just as important to our economy as defense. This memorial is a product of discussions of the Senate Task Force on State-Federal relations.

Submits their recommendations (Exhibit K).

358 CHAIR VanLEEuwEN: Closes public hearing on SJM9.

Meeting is adjourned at 2:30.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2239 - Hand engrossed by staff HB 2239-1 amendments -
Staff - 3 pages B - SJM17 - Testimony - Sen. Bradbury - 2 pages

C - HB 2750 - Preliminary Staff Measure Summary - 4 pages D
- HB 2750 - Information - Marshall Coba - 12 pages E - HB 3649 -
Hand engrossed by staff HB 3649-3 amendments - Staff - 14 pages F -
SJM 7 - Resolution by the Pacific Fisheries Legislative Task
Force - Mike Sims - 1 page G - SJM7 - Speech on SJM7 by Sen.
Kintigh - Mike Sims - 1 page H - SJM7 - Testimony by Guy
Thornburgh - Mike Sims - 6 pages I - SJM7 - Testimony - Rod
Harder - 1 page J - SJM7 - Testimony - Rod Ingram - 1 page K
- SJM9 - Information - Todd Foster - 12 pages