

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: April 30, 1993 TAPES: 142 - 143 PLACE: Hearing Room C TIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn,  
Vice-Chair Senator Joyce Cohen Senator Shirley Gold Senator Bob  
Shoemaker Senator Gordon Smith MEMBERS ABSENT: Senator Bob Kintigh  
STAFF PRESENT: Peter Green, Administrator Chris Warner, Research  
Associate Pamella Andersen, Clerk

MEASURES HEARD: SB 195 SB 633 SB 1008 SB 1010 SB  
1014

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 142, SIDE A

005 CHAIR CEASE: Calls the meeting to order at 8:00 a.m. - Opens the  
public hearing on SB 633.

PUBLIC HEARING ON 633 WITNESSES: Betty Malone, Kings Valley Pat Malone,  
Kings Valley

BETTY MALONE: Offers testimony in support of SB 633. - Relates her  
negative experiences with hunters. - Mentions the hunting-related deaths  
within 5 miles of her property in the last three seasons. - Explains the  
danger she constantly feels. Senate Agriculture and Natural Resources  
April 30, 1993 Page 2

030 - Relates her last experience with hunters in which her 8 year old  
daughter was in danger. - Notes the reason the bill is helpful.

060 PAT MALONE: The "family, home and property protection bill" would  
be an appropriate name for this bill. - This bill is about common sense.

CHAIR CEASE: Closes the public hearing on SB 633. - Opens the work  
session on SB 633.

WORK SESSION ON SB 633

CHAIR CEASE: References the -1 amendments.

100 SENATOR DUKES: Reviews the -1 amendments. - Notes the change to  
page 2, section 4, line 2 relative to the word "aim." - A person should  
not be considered guilty of hunting from a moving vehicle if their gun  
is only pointing out of their vehicle. - The language in section 2,  
lines 16 - 18 is the guts of the bill. - Notes under what conditions a  
person should lose their right to the animal, their gun and tag.  
- - The language is "shall" not "may" to help with compliance.

133 SEN. BUNN: Does the law currently allow taking of the game for  
trespassing?

LARRY KRAFT: (Department of Fish and Wildlife) No, currently the law  
does not provide for that.

SEN. BUNN: If we change this to "may" we change the status quo?

KRAFT: That is correct.

SEN. BUNN: Section 4(2)(b) appears to indicate if I notify the ranger station of my intentions, that I could road hunt, which would otherwise be a violation. - Are there two standards on national forest land?

160 SEN. DUKES: Federal forest land is either open for hunting or not.

SEN. BUNN: So section 4(2)(b) only applies when I'm trespassing on private land ?

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Senate Agriculture and Natural Resources April 30, 1993 Page 3

SEN. DUKES: That is correct. - The intent of the bill is to address only those hunting illegally.

SEN. BUNN: I believe section 4 is confusing. - In section 2(2) I disagree with how far we need to go. - Discretion should have a place in this. <

CHAIR CEASE: We have to send this to Judiciary. - If section 4 is not clear we can redo it ourselves or make a notation as we send it to Judiciary indicating our understanding of the intent which needs to be made clearer.

200 SEN. BUNN: We need to make it clear this is only designed to prohibit this action when in violation of trespass laws. - Suggests the addition of certain language for clarification. CHAIR CEASE: We will have legislative counsel review the recommendation.

MOTION: CHAIR CEASE: Moves to ADOPT the SB 633-1 amendments dated 4-19-93. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. SEN. KINTIGH is EXCUSED.

SEN. SHOEMAKER: I will back off on using "may" to replace "shall" on page 1, section 2(2).

255 MOTION: SEN. BUNN: Moves to further amend SB 633 on page 1, line 17, by replacing both occurrences of "shall" with "may." SEN. DUKES: Explains the results of changing the words relative to the specific example offered by Senator Bunn.

294 SEN. BUNN: In every situation is the officer required to seize the animal?

SEN. SHOEMAKER: Could we change the word "taken" to "shot?"

320 SEN. BUNN: Withdraws his motion. - Two years ago we did not fix this problem. - If we say "may," we give enforcement authorities the tools with which to work.

SEN. SHOEMAKER: In terms of legislative history, would section 2(2) become part of the wildlife laws of the state? . . . 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. Senate Agriculture and Natural Resources April 30, 1993 Page 4

- If a person violates that section, they also may be called upon to forfeit all their hunting apparatus?

346 KRAFT: Yes, to both questions.

CHAIR CEASE: Closes the work session on SB 633. - Opens the work session on SB 1010.

WORK SESSION ON SB 1010

364 ADMIN. GREEN: References the amendments and reviews their intent.

405 CHAIR CEASE: For the record, it is difficult to take amendments at the last minute when the bill has been up for a work session before.

422 PHIL WARD: (Department of Agriculture) The -3 amendments were what we felt instructed to draft as a result of the last work session. - References "verifiable scientific information" on line 26.

SEN. COHEN: My concern is "verifiable" will cost incredible amounts of money. Recommends substitution of the word "available."

TAPE 143, SIDE A

DAVE NELSON: (Oregon Dairy Farmers Association) We could delete the word completely or substitute a word of your choosing.

CHAIR CEASE: Let's go with "upon scientific information."

031 WARD: Reviews amendments not covered at the last hearing.

071 SEN. SMITH: Why does the amount need to be \$5000?

WARD: That figure is designed to be a cap, not a routine civil penalty assessment.

SEN. COHEN: Did we resolve the trespassing fees in the -3 amendments?

CHAIR CEASE: Yes, it is on line 5.

093 SEN. BUNN: The situation of inequity remains between an owner of several parcels and a renter of several parcels.

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WARD: The fee schedule would be based on one operation.

CHAIR CEASE: We would have to make it clear it should be adopted by rule.

SEN. BUNN: Are operations in differing water basins, owned by the same landowner subject to different \$200 maximums?

WARD: Theoretically, you could be subject to another fee in a second basin.

SEN. SHOEMAKER: Section 4 may clarify Senator Bunn's concern with its definition of "landowner" and "occupier."

118 SEN. BUNN: Describes ownership and leasing scenario, asking how the fees in the bill would be impacted by changes in leasing.

ADMIN. GREEN: Re-explains the differences between the -3 and -4 amendments.

MOTION: CHAIR CEASE: Moves to ADOPT the SB 1010-3 amendments dated 4-29-93 as further amended on page 1, line 2, by deleting "verifiable."  
VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. SEN. KINTIGH is EXCUSED.

MOTION: SEN. SMITH: Moves that SB 1010 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: SENATORS SHOEMAKER, SMITH, GOLD, COHEN and CEASE vote AYE. SENATOR BUNN votes NO. SEN. KINTIGH is EXCUSED.

CHAIR CEASE: The motion CARRIES. No one is designated to lead discussion on the Floor. - Closes the work session on SB 1010. - Opens the work session on SB 1008.

WORK SESSION ON SB 1008

156 ADMIN. GREEN: Reviews the specifics of the -1 amendments recommended by Dave Nelson.

168 DAVE NELSON : (Oregon Dairy Farmers Association) The purpose of SB 1008 is to follow behind SB 1010 in the same process. - The amendments are simple, intended to conform to those just adopted for SB 1010.

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- Notes the only difference is on page 2, line 12 in appropriating any fees back to the Department of Agriculture Service Fund.

CHAIR CEASE: Closes the work session on SB 1010. - Opens the work session on SB 195.

WORK SESSION ON SB 195 198 ADMIN. GREEN: References the -2 amendments, which delete portions of the bill and offer clarification. - OSPIRG prepared the hand-engrossed amendments.

221 QUINCY SUGARMAN: (OSPIRG) Reviews provisions of the -2 amendments.

249 SEN. SHOEMAKER: Referring to the summary of major provisions by OSPIRG dated 4-19, of the 4 major provisions, I am in favor of only the first 2. - I have a question about fees to raise the \$250,000. 265 SUGARMAN: The fourth piece of the summary has been eliminated. - As to the fee issue, the clarification in the -2 amendments is the increase in applicator license fees would go to fund the use reporting program. - The increase in the pesticide registration fee would go to fund groundwater protection activities.

SEN. SHOEMAKER: How much money will the applicator fee increase raise?

SUGARMAN: It will raise about \$260,000.

SEN. SHOEMAKER: Lorna Young reported to me a figure of \$400,000 that would be needed.

294 LORNA YOUNG: (Department of Agriculture) When a fiscal impact was prepared on -1 amendments, it was reported a combination pesticide use reporting database as well as an unused pesticide program would cost \$1.4 million, \$404,000 of which would fund the operation of the database collection program. - If the -2 amendments purport to raise only \$250,000, we will be unable to conduct the database program as anticipated.

SEN. SHOEMAKER: What do we do about that?

CHAIR CEASE: Ways and Means would have to decide.

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SEN. SHOEMAKER: Notes the two issues that he believes remain to be corrected .

CHAIR CEASE: Closes the work session on SB 195. - Requests staff check the two items of concern in SB 633. - Opens the public hearing on SB 1014.

PUBLIC HEARING ON SB 1014

WITNESSES: JoAnn Herrigel, Association of Oregon Recyclers Jeff Dettlesen, Association of Oregon Recyclers Andy Sloop, Metro Solid Waste Management Program Quincy Sugarman, OSPIRG Bob Danko, Department of Environmental Quality Dick Briggs

366 JOANN HERRIGEL: (introduces EXHIBIT B) Offers testimony in support of SB 101 4. - Notes the intent of the bill is to improve the collection

of used oil from do it-yourself oil changers who are believed to be responsible for most of the dumping and illegal disposal of used oil. - Used oil is a valuable resource. 394 - States the amount of used oil generated by do-it-yourself oil changers and the percentage recycled. - The balance of used oil is dumped in various ways that cause contamination. - Relates reasons why the number of recycle depots have diminished.

TAPE 142, SIDE B

HERRIGEL: Notes the committee to be formed by the bill to report to the Governor. - Lists further provisions of the bill. - The concepts in the bill are supported by the American Petroleum Institute. 051 - References the related legislation passed in Washington and California. - References and reviews amendments attached to Exhibit B. 092 - The Department of Revenue has concurred with amendment 4. SEN. BUNN: Assumes the chair. - Is the 50% goal a percentage of oil sold or taken out of a car?

HERRIGEL: It is the oil generated by do-it-yourself oil changes.

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123 BOB DANKO: (introduces EXHIBIT C) Offers testimony on SB 1014. - We support the concepts of SB 1014, but have concerns with used oil that is not accounted for. - Other states are doing more to address this problem than we are. - The funding source won't stand up in court, creating a major funding problem. - A fee on containers is questionable, also. - There would be a substantial fiscal impact on our department, as the bill is presently written, but that could be reduced.

157 DICK GREGGS: Notes his experience and involvement in environmental quality regulation issues. - The concepts in the bill are good. - An emphasis is needed on the regulation and management of used oil. - Data on where the oil flows from back and forth is very limited. - Indicates how much used oil Oregonians collect.

CHAIR CEASE: Rejoins the meeting.

194 ANDY SLOOP: Metro is in support of this legislation. - We assisted in research and development of this approach. - We are also in support of the proposed amendment.

214 QUINCY SUGARMAN: OSPIRG supports the concept in SB 1014.

CHAIR CEASE: Closes the public hearing on SB 1014. - Comments SB 1015, reported out the other day, is being referred to Trade and Economic Development rather than going directly to the floor. - Opens the work session on SB 633.

WORK SESSION ON SB 633 (continued)

250 ADMIN GREEN: There is a suggestion the exemptions be deleted so the

bill only applies when one is in violation of criminal trespass.

SEN. BUNN: I don't like section 4, but i'm not going to try to change it as it is not the main issue.

CHAIR CEASE: We could send this to Judiciary with a note indicating members concerns with section 4. '

SEN. BUNN: I don't believe anyone knows what we are trying to do or what the bill really does.

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ADMIN. GREEN: Notes the recommended change on page 2, line 3, "at a time when the hunting of wildlife is lawful."

MOTION: CHAIR CEASE: Moves to further amend SB 633 on page 2, line 3, by deleting "at a time when the hunting of wildlife is lawful." VOTE: CHAIR CEASE: Hearing no objection the amendment is ADOPTED. SEN. KINTIGH is EXCUSED.

MOTION: SEN BUNN: Moves to further amend SB 633 on page 1, line 17, by replacing both occurrences of "shall" with "may." VOTE: SENATORS COHEN, SMITH and BUNN vote AYE. SENATORS SHOEMAKER, GOLD and CEASE vote NO. SEN. KINTIGH is EXCUSED.

CHAIR CEASE: Motion FAILS.

MOTION: SEN BUNN: Moves to further amend SB 633 on page 1, line 16, by replacing "taken" with "shot." VOTE: SENATORS SHOEMAKER, COHEN, CEASE, SMITH and BUNN vote AYE. SENATOR GOLD votes NO. SEN. KINTIGH is EXCUSED.

CHAIR CEASE: Motion CARRIES. 319 MOTION: SEN COHEN: Moves SB 633 AS AMENDED be sent to the Judiciary Committee with a DO PASS recommendation with a cover memorandum indicating members concerns with section 4. VOTE: SENATORS SHOEMAKER, COHEN, CEASE and SMITH vote AYE. SENATORS GOLD and BUNN vote NO. SEN. KINTIGH is EXCUSED.

CHAIR CEASE: Motion CARRIES. - Closes the work session on SB 633. 334 - Adjourns the meeting at 9:43 a.m.

Submitted by: Reviewed by: Pamella Andersen Peter Green  
Clerk Administrator

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EXHIBIT LOG:

A Information Packet- Committee Staff B Testimony on SB 1014 -  
JoAnn Herrigel - 7 pages' C Testimony on SB 1014 - Bob Danko - 3  
pages ~ D Testimony on SB 1014 - Quincy Sugarman - 2 pages ?  
E Proposed amendments: SB 195-2 - Staff - 4 pages





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