

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.

HOUSE COMMITTEE ON AGRICULTURE, FORESTRY & NATURAL RESOURCES

April 25, 1991                      Hearing Room F 8:00 A.M.                      State Capitol  
Tapes 74 - 77

MEMBERS PRESENT: REP. WALT SCHROEDER, Chair REP. LIZ VANLEEUWEN,  
Vice-Chair REP. SAM DOMINY REP. BILL DWYER REP. TIM JOSI REP. JOHN MEEK  
REP. CHUCK NORRIS

STAFF PRESENT:                      BETH PATRINO, Administrator EDWARD C. KLEIN,  
Assistant

MEASURES CONSIDERED: HB 3561 - PUBLIC HEARING HB 2672 - PUBLIC HEARING  
HB 2785 - PUBLIC HEARING HB 3068 - PUBLIC HEARING HB 2786 - WORK SESSION  
HB 2934 - WORK SESSION

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TAPE 74, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:04 A.M.

-He refers to the upcoming schedule.

-The emergency clause in HB 3557 may cause a problem.

-Legislative Counsel informed us that may cause a constitutional problem, because it may be considered a tax bill and you can't have an emergency clause on a tax bill.

-We have at least two alternatives:

-Send it as is to Ways and Means with a note for them to remove the emergency clause.

-Bring it back and take care of it ourselves.

034 MOTION: REP. VANLEEUWEN: Moves to add a note to HB 3557 that asks Ways and Means to remove the emergency clause.

-CHAIR SCHROEDER: Hearing no objection the motion passes.

049 REP. NORRIS: Saw on television that the State of Georgia has two-thirds of the state in commercial timber.

-There's a move towards a virtual shut-down of the timber industry in the Northwest.

PUBLIC HEARING ON HOUSE BILL 3561 -- EXHIBITS A to C

Witnesses: Darrell Gulstrom, President, Willamette Valley Beekeepers Association Lorna Youngs, Assistant Director, Department of Agriculture Bob Hawkes, Administrator, Commodity Inspection Division, Department of Agriculture David Turner, Assistant Administrator, Commodity Inspection Division, Department of Agriculture Oliver Petty, Beekeeper Marjorie Ehry, President, Beekeepers Association Bruce Andrews, Director, Department of Agriculture George Hanson, Commercial Beekeeper

CHAIR SCHROEDER: Opens the Public Hearing.

077 DARRELL GULSTROM, President, Willamette Valley Beekeepers Association: Presents testimony on HB 356 1 (EXHIBIT A).

120 REP. NORRIS: What is a colony?

GULSTROM: It's a group of bees with a queen.

REP. NORRIS: Is it a set number of hives or a single hive?

GULSTROM: You can have multiple boxes in a hive.

REP. NORRIS: Are those white boxes in a field a colony or a hive?

GULSTROM: They are the same.

128 REP. JOSI: You are saying registration is good public policy, but raising registration fees will decrease registrations?

GULSTROM: When fees were last increased a number of beekeepers didn't register.

REP. JOSI: Is there any requirement for registration?

GULSTROM: Is not certain. Even if there were regulations we couldn't afford to enforce it.

CHAIR SCHROEDER: You support the inspection, but not the increase in fees?

GULSTROM: Right.

141 REP. DOMINY: Hasn't been a supporter of fees.

-What in the General Fund do you feel is a waste?

GULSTROM: Would maintain the current level.

REP. DOMINY: If we can't fund this program through the General Fund and we don't increase the fees what should we take from the General Fund?

GULSTROM: Does not know.

159 REP. DWYER: Is inclined to agree with MR GULSTROM. If the fees are raised and people do not register their hives, it could impact all of

agriculture.

-We gave them a fee increase last session, they always want more.

-Is this a bad bill?

GULSTROM: As far as the fee increases.

-We need a viable inspection program to keep the diseases in check.

180 REP. VANLEEUEWEN: How do you know when a hive has been inspected?

GULSTROM: He hasn't been inspected yet, so he doesn't know what happens.

REP. VANLEEUEWEN: Maybe someone can answer that for me.

-It looks like there needs to be some visible sign that indicates a hive has been inspected.

-What if the initial fee were higher, but the price for the hive or colony would not be doubled?

GULSTROM: It depends how much.

REP. VANLEEUEWEN: Something like \$15?

GULSTROM: The majority of bee keepers are hobbyists and have less than five hives.

-If you were a hobbyist, would you pay \$15?

REP. VANLEEUEWEN: You can rent out the bees.

GULSTROM: The beekeepers with less than five hives don't usually move them around.

212 REP. MEEK: Is the fee now \$5?

GULSTROM: For the first six hives.

REP. MEEK: After July 1, the fee is \$10?

GULSTROM: That's the proposed fee.

REP. MEEK: All the fees are now at the maximum?

GULSTROM: Yes.

230 LORNA YOUNGS, Assistant Director, Department of Agriculture:  
Introduces BOB HAWKES.

236 BOB HAWKES, Administrator, Commodity Inspection Division, Department of Agriculture: Presents testimony in support of HB 3561 (EXHIBIT B).

REP. NORRIS: Any increase in the fees will be a result of the beekeepers saying it's okay?

YOUNGS: The law raises the maximum, it does not raise it to a flat fee. The setting of the fee would be done through rulemaking.

REP. NORRIS: Because of the "not to exceed"?

YOUNGS: Correct.

HAWKES: Our fees are currently set in statute, this would allow us to set the fees by administrative rule.

-He continues with Revenue Information (EXHIBIT B).

319 REP. VANLEEUEWEN: This bill proposes that \$50,000 comes out of the General Fund.

-Didn't you say this was a result of its removal from the General Fund?

YOUNGS: \$50,000 from the General Fund was identified to offset the fund shift in the apiary program.

REP. VANLEEUEWEN: Aren't the inspectors doing other things?

HAWKES: Correct. Many of the people in the bee program are fruit and vegetable inspectors.

-We may look to remove some of these people into other programs if the money is not available for the bee program.

353 REP. JOSI: Please give me some details on the inspection program.

DAVID TURNER, Assistant Administrator, Commodity Inspection Division, Department of Agriculture: Describes the apiary inspection program.

390 REP. JOSI: Do you visually inspect them or take samples?

TURNER: We do visual inspections and take samples to determine parasites.

416 REP. VANLEEUEWEN: What do you do if you find disease or parasites?

-We're told that almost 50 percent of the hives are unlicensed.

HAWKES: Fifty percent is pretty high.

-We have civil penalty authority to fine unlicensed beekeepers.

REP. VANLEEUEWEN: Do you use it?

HAWKES: We just got civil penalty authority last session.

REP. VANLEEUEWEN: You have not used it at this point?

HAWKES: We've used the threat of civil penalties to get people licensed.

REP. VANLEEUEWEN: Shouldn't civil penalties take care of the unlicensed beekeepers without raising fees?

445 TURNER: This law is only for the registration of colonies of bees, it is not for the selling or packing of honey. That is a separate program.

TAPE 75, SIDE A

010 CHAIR SCHROEDER: What would be the worse case scenario if there were no inspections?

HAWKES: There would be significant increases in diseases and mite populations.

-We can now work with beekeepers on control procedures.

-There would be no control of bees coming into the state.

CHAIR SCHROEDER: If there were no inspections would it destroy or seriously impact the industry?

HAWKES: It would seriously impact the industry.

CHAIR SCHROEDER: Would Oregon beekeepers be allowed to take their bees into northern California or other states if there was no inspection program?

HAWKES: California has deregulated, but it is up for review in September whether or not it will be reinstated.

-Other states require certification.

-Without the certification program, bees could not move into other states.

034 CHAIR SCHROEDER: Have you considered charging extra for those who ship their bees out of state?

HAWKES: We have the authority and do charge for out-of-state certification.

-The \$20 and \$1.20 fee increases are the penalties for late registration. That was put into the law by the bee industry last session.

CHAIR SCHROEDER: The fee doubles if they are not registered by July 1?

HAWKES: Correct.

049 REP. VANLEEUEWEN: How do you know a hive's been inspected?

TURNER: We don't mark the colonies; we issue a certificate showing the number of colonies inspected.

-Only two states physically mark the hives, which is very expensive.

REP. VANLEEUEWEN: How do you know if the hives are inspected?

TURNER: There is a brand for the colony.

078 OLIVER PETTY, Beekeeper: Presents background information.

-He does not support the doubling of fees.

-The majority of beekeepers in the association are hobbyists. The hobbyists compete with the commercial beekeepers.

-We would like to preserve the hobbyists, who have the majority of the bees.

-He is in favor of the inspection system.

-California has cut their program, but the counties still inspect.

-The industry needs the inspection program and it should be supported out of the General Fund.

146 CHAIR SCHROEDER: What if there was one fee for hobbyists and another fee for commercial beekeepers?

PETTY: That idea could be presented to the beekeepers, but he doesn't know how it would go over.

REP. NORRIS: What's the typical number of colonies for a commercial beekeeper and for a hobbyist?

PETTY: For a commercial beekeepers it's 300 to 1200 colonies. They run up to several thousand in other states.

181 MARJORIE EHRMANN, President, Beekeepers Association: Presents testimony in opposition to the fee increase (EXHIBIT C).

-California counties still have inspection programs.

-In Oregon we pay registration and user fees.

-A beekeeper in eastern Oregon paid thousands of dollars in fees. If the fees are increased he would register in Idaho.

-We are mainly pollinators and not honey producers.

261 REP. NORRIS: Do you oppose this bill?

EHRMANN: No. If this passes our Apiary Advisory Committee will advise the department on the fee increases.

-They may advise the department that fee increases are not feasible at this time or they may come up with an amount other than \$10.

-She would like them to advise the department that we don't need a fee increase.

REP. NORRIS: If this passed you'd feel comfortable with them arriving at some figure?

EHRMANN: The beekeepers feel good about the department and with our arrangement.

279 REP. MEEK: Maybe we should keep the maximums at the present level?

CHAIR SCHROEDER: It would stay that way if we don't do anything.

REP. MEEK: Would love the fees to be kept at \$7.50.

REP. VANLEEUWEN: The current fee is \$5.

EHRY: Is using \$7.50 as a sliding scale--if the advisory committee advised that.

-She is pleased that Ways and Means offered \$50,000 in General Fund money to the bee program.

-Through the program we have a way of tracing diseases and the number of beekeepers.

-The program is important even if we have to rework it like we did last session.

CHAIR SCHROEDER: Section 2 is different language--a General Fund appropriation--so we have to do something with the bill.

318 EHRY: The late fee doubles what we have said will double.

REP. MEEK: This bill could pass without the change in language.

-Is the \$50,000 contingent on the new language? What if we stripped the new language and kept the fees the way they are?

349 REP. VANLEEUEWEN: We could go with the bill as it is, because of the \$50,000. We know the department would be working with the Bee Advisory Committee.

365 BRUCE ANDREWS, Director, Department of Agriculture: You could amend the bill to the original fees. You need to pass the bill because of the \$50,000.

-We would not propose to raise the fees to the maximum unless the beekeepers wanted it.

394 GEORGE HANSON, Commercial Beekeeper: Testifies in support of HB 3561.

-This bill gives flexibility to develop a program that meets our needs.

-There is no question that our current program does not meet the needs of the industry.

-This bill will give us the ability to go back to the department and develop a program that meets everyone's needs.

-There are always some people who would be against any program. It does not mean it's a bad program.

-Beekeepers who go into states other than California need certificates of health.

-California may reinstitute their program.

-We need a consistent long-term program that meets our needs and allows us to be flexible as conditions change.

TAPE 74, SIDE B

025 REP. DOMINY: How many beekeepers belong to the association that makes the decision on the fees?

HANSON: There are about 200 to 300 members. There are 1,000 to 2,000 registered beekeepers.

-Generally commercial beekeepers with 300 hives or more are members of the association.

REP. DOMINY: Do we want to give the association that flexibility?

HANSON: The department appoints the members of the Apiary Advisory Committee. That is not a committee of the Oregon State Beekeepers Association.

REP. NORRIS: Is there reciprocity between states?

HANSON: Yes. If there was no certification he doesn't know where he could get a certificate.

CHAIR SCHROEDER: What about one fee for hobbyists and another for commercial beekeepers?

059 HANSON: That may be necessary.

-Inspections may become too expensive, we may find out there are things that we can't afford to do or not appropriate to do. We need to take a look at this program and find out what we need.

-Things are not the same as they were in the past.

CHAIR SCHROEDER: Closes the Public Hearing.

-He recesses at 9:06 A.M.

-He reconvenes at 9:12 A.M.

WORK SESSION ON HOUSE BILL 3561

CHAIR SCHROEDER: Opens the Work Session.

084 MOTION: REP. VANLEEUEWEN: Moves House Bill 3561 to the Committee on Ways and Means with a do pass recommendation.

REP. DWYER: Does not support the bill and the increase in fees.

-He is willing to send the bill without the new language.

100 MOTION: REP. DOMINY: Moves to retain the original language on lines 15 and 16.

REP. VANLEEUEWEN: Does not agree with the motion.

CHAIR SCHROEDER: Since we can't act on this quickly, he closes the Work Session.

PUBLIC HEARING ON HOUSE BILL 2785 -- EXHIBITS D to K

Witnesses: Rep. Ray Baum, District 58 Sen. Gene Timms, District 30 John Brogoitti, Rancher, and Member, Land Conservation and Development Commission Robert Lazinka, Oregon Cattlemen's Association Chuck Woosley, Legislative Chairman, Mary's Peak Chapter, Issac Walton League of America Rep. Larry Sowa, District 26 Jeff Curtis, Department of Fish and



Wildlife Rod Ingram, Chief, Wildlife Division, Department of Fish and  
Wildlife John McCulley, Oregon Cattlemen's Association

120 REP. RAY BAUM, District 58: Describes the bill.

-People feel their hunting rights have been infringed upon by the  
ever-expanding limited entry system.

-People have made sacrifices to live close to hunting and are concerned  
they are being disenfranchised.

-He presents HB 2785-1, Proposed Amendments to House Bill 2785, dated  
4/24/91 (EXHIBIT D) and HB 278 5-2, Proposed Amendments to House Bill  
2785, dated 4/24/91 (EXHIBIT E).

-He is not trying to override the Department of Fish and Wildlife.

-We should take this issue in hand and discuss it as a body.

-He describes the amendments.

-The ultimate solution would be to do away with limited entry.

206 REP. JOSI: What is limited entry?

REP. BAUM: Certain areas are limited so the department can try and  
manage the elk herds.

REP. JOSI: This is different than special hunts?

REP. BAUM: In eastern Oregon it is all limited entry for mule deer and  
the first elk hunt.

REP. JOSI: What about the second hunt?

REP. BAUM: That's open. The majority of hunters want to hunt in the  
first hunt, when hunting is the best.

225 REP. DWYER: Prefers to do away with limited entry, but it's too  
late to do anything about it now.

-What do you suggest we do to clear it up for next year?

REP. BAUM: Hopefully the Senate will have the same motivation.

REP. VANLEEuwEN: What was the third proposal?

REP. BAUM: Is sorry he didn't have it drafted--there would be no  
limited entry.

REP. VANLEEuwEN: You mentioned last year.

REP. BAUM: Last year's seasons that were limited entry would remain the  
same, but their decision to put every other hunt in eastern Oregon into  
limited entry would be rescinded until they can prove to the 1993  
Legislature that limited entry hunts are necessary.

-He believes that limited entry will create more of an animal problem.

REP. DWYER: Would you work on those amendments?

REP. BAUM: If the Chair would hold a subsequent Public Hearing and Work Session. He would like to end limited entry now, but everyone has paid their money.

274 REP. MEEK: Can anyone in the state apply?

REP. BAUM: Yes.

REP. MEEK: If a person did not draw a mule deer tag they would be assured of getting an elk tag in their second or third preference?

-Would that person get preference for a mule tag the second year?

REP. BAUM: The ODFW would be required to rotate how they draw.

-One year they draw the elk tags first then they draw the deer tags. The next season they draw the deer tags first.

284 SEN. GENE TIMMS, District 30: Introduced a similar bill last session.

-Limited entry has been a factor in his district for some time.

-The impact in his area is not as bad as we were told.

-We lowered the impact by giving hunters one out of three choices.

-There are ways to make this work if the department wants to make it work.

-It is a dramatic change for people who have been allowed to hunt all their lives and then they are no longer allowed to hunt.

348 REP. DWYER: Which alternative would you prefer?

SEN. TIMMS: All the alternatives make sense.

-Fish and Wildlife will say you would be taking away a management tool and would be opposed to eliminating limited access.

-All the options are viable.

-Fish and Wildlife have to want to try and work something out, but he hasn't seen them want to try.

372 REP. VANLEEuwEN: The bill doesn't do anything for the resource owner who may be denied a permit?

REP. BAUM: The third option would take care of them.

REP. VANLEEuwEN: What about the resource owner that wants to hunt?

REP. BAUM: They have a preference tag, but it's for the immediate family.

SEN. TIMMS: They have added some more land preference owner tags.

402 REP. CHUCK NORRIS, District 57: This is an emotional, controversial issue.

-Special consideration should be given to people who sustain damage by elk herds.

-We have to try to find out what is fair.

TAPE 75, SIDE B

012 JOHN BROGOITTI, Rancher, and Member, Land Conservation and Development Commission: Presents testimony on HB 2785 (EXHIBIT F).

047 REP. DOMINY: Do you believe that an owner of a piece of land should be able to decide who will hunt on their land?

BROGOITTI: Yes. He elaborates.

REP. DOMINY: Do you believe a landowner should affix a price of their own choice?

BROGOITTI: He is not in the fee hunting business, but only wants to designate who hunts on his property.

REP. DOMINY: You don't believe in fee hunting?

BROGOITTI: Does not know if he doesn't believe in it. He is not involved in it and is here as a property owner and rancher who wants the right to say who hunts on his property.

REP. DOMINY: Should price be a deciding factor of who hunts on your property?

BROGOITTI: He is not in the fee hunting business nor does he intend to be in the fee hunting business. That is an entirely different issue.

081 REP. JOSI: Elk herd damage to private lands is an issue that needs to be addressed.

-Designating who can hunt beyond your immediate family is getting into the concept of elitism. This will create a new set of problems.

BROGOITTI: Is not sure you understand the problem.

-He has invested a great deal of money in equipment. He can't afford to allow the general public to hunt on his land.

-He wants the deer harvested, but needs to control who comes on his land in order to protect himself.

REP. DWYER: Do you lease any public land?

BROGOITTI: No.

113 REP. VANLEEUEWEN: We have similar problems in this part of the state.

REP. JOSI: Knows the damage elk can do.

-We have to balance the private and public good. You open up a Pandora's box by allowing fee hunting to cronies.

BROGOITTI: You have friends you go fishing with. He has friends who he trusts.

-He only is asking for the right to determine who hunts on his property.

REP. JOSI: There needs to be a mechanism that compensates you for your damage.

143 ROBERT LAZINKA, Oregon Cattlemen's Association: Presents testimony (EXHIBIT G).

209 CHAIR SCHROEDER: Which lines in the bill are you amending?

LAZINKA: These are proposals to change the ORS.

REP. VANLEEUEWEN: This is not in any of the proposed amendments?

LAZINKA: Is proposing to further amend the bill.

-We've spent a good deal of time thinking this through.

REP. DWYER: Will comment at the appropriate time.

249 CHUCK WOOSLEY, Legislative Chairman, Mary's Peak Chapter, Issac Walton League of America: Presents testimony in opposition of HB 2785 (EXHIBIT H).

-He has followed the Fish and Wildlife Department for some time and feels limited entry is long overdue. We are in need of more control of the hunting numbers.

-It's important we do what's best for the resources, even though people won't like it.

285 CHAIR SCHROEDER: Do you have land on which game flourish?

WOOSLEY: Yes. He explains.

302 REP. LARRY SOWA, District 26: There are several issues:

-1. The purpose of the original bill. To make sure people get to hunt in their local areas.

-2. The -1 amendments basically do what the department is planning on doing now.

-There are other options that may work equally well.

-The discussion has grown to the landowners' dilemma of limited entry.

-3. REP. JOSI brought up payment for big game damage on private lands.

-All these things are tied together.

-In 1985, a bill was passed to require landowner payments. As a result a task force was formed made up of landowners and sportsmen. We conducted a series of meetings. We changed the way the department did some of their animal damage work and we think we made them more responsive.

-More work needs to be done.

-He discusses ranching for wildlife.

-Sportsmen feared landowners would get all of the tags.

-That fear was basically unfounded.

-The department is proposing that if hunters don't get a tag this year they'll get an extra chance next year.

-He would like to eliminate limited entry.

-Too much commercial activity on the land causes cattle to be vulnerable.

-We have to manage people as well as wildlife.

-We have to work out ways where limited entry is more acceptable.

TAPE 76, SIDE A

018 REP. SOWA: We have to continue to work on ways to make it as fair as we can possibly make it.

-We have a long way to go to work in cooperation with sportsmen, landowners and the Department of Fish and Wildlife in order to solve this problem.

-He was on the mule deer task force that developed the mule deer management plan.

-There is a constituency that would like to see hunting and wildlife management done away with. We're trying to balance all of the interests in trying to solve the problems.

-Doing away with limited entry would result in many court challenges.

056 REP. NORRIS: Is the third group the preservationists who don't want hunting?

REP. SOWA: They're people who don't like hunting, but allow it to go on as long as it's scientifically managed.

074 JEFF CURTIS, Department of Fish and Wildlife: Presents testimony in opposition to HB 2785 (EXHIBIT I).

125 REP. JOSI: You were referring to limited entry hunts when you talked about two or four member families depending on the size of the acreage?

CURTIS: Yes.

REP. MEEK: What's inequitable about the proposed preference program when everyone in the state is being treated the same?

148 ROD INGRAM, Chief, Wildlife Division, Department of Fish and Wildlife: The two amendments are different programs.

-He discusses the amendments.

-There is inequity in the way the bill is written.

REP. MEEK: There is no inequity in the amendments?

INGRAM: Everyone will have the same chance.

CURTIS: Anyone who was unsuccessful one year would have a higher probability of drawing a tag the second year.

REP. VANLEEUEWEN: Not even half who apply for tags get tags?

INGRAM: It depends upon the hunt.

186 REP. DWYER: How much did we spend on the game ranching task force?

INGRAM: We paid per diem expenses. He thinks it was around \$5,000 or \$6,000.

REP. DWYER: What was the total cost, including the consultant?

INGRAM: Between \$20,000 and \$25,000.

REP. DWYER: When was the report issued?

INGRAM: Thinks it was 1987.

REP. DWYER: That's when it was instituted.

-What have we done with that?

INGRAM: The committee asked for no response in terms of tag allocation so the commission has never adopted tag allocation.

219 REP. DWYER: Another task force is contemplated to spend the state's money to do what we already do.

-How can we justify another task force?

228 CURTIS: It is suggested that we take a closer look at the landowner preference with a group of "good intentioned people."

-He doesn't envision it costing \$25,000.

REP. DWYER: Who are these "good intentioned people"?

CURTIS: We are seeking nominations.

INGRAM: The last task force addressed fee hunting. Landowner preference wasn't an issue.

-This task force is to specifically look at landowner preference and avoid the issue of fee hunting.

REP. DWYER: Is part of this task force to buy, sell and transfer tags?

CURTIS: They are trying to stay out of fee hunting.

REP. DWYER: That's the explicit intent?

CURTIS: The focus will be on landowner preference and not get involved in fee hunting.

258 CHAIR SCHROEDER: You have 130,000 applications for 90,000 controlled hunt tags. You say six people can apply as a party. Is that six applications by all members of that party?

INGRAM: That's an attempt to keep parties together. He explains.

CHAIR SCHROEDER: Can all six put in applications with the other people's names?

INGRAM: No.

277 JOHN MCCULLEY, Oregon Cattlemen's Association: Presents testimony from two ranchers from Baker County, LYLE DEFREES (EXHIBIT J) and RILEY FREEMAN (EXHIBIT K).

CHAIR SCHROEDER: Closes the Public Hearing.

PUBLIC HEARING ON HOUSE BILL 3068 -- EXHIBITS L to O

Witnesses: Rep. Dave McTeague, District 25 Kendrick Holleman, Professor of Poultry Science, Oregon State University Molly Murphy, Board of Directors, Oregon Poultry Counsel Jack Munro, Association of Oregon Food Industries Chuck Stoffers, Food Technologist, Safeway Stores Steven Sanders, Department of Justice

CHAIR SCHROEDER: Opens the Public Hearing.

304 REP. DAVE MCTEAGUE, District 25: Presents testimony in support of HB 306 8 (EXHIBIT L).

351 REP. JOSI: Does freezing chicken also affect the moisture of the meat?

REP. MCTEAGUE: That is something DR. HOLLEMAN could answer.

363 KENDRICK HOLLEMAN, Professor of Poultry Science, Oregon State University: That will be part of my testimony.

-He presents testimony in support of HB 3068 (EXHIBIT M).

TAPE 77, SIDE A

-He continues with his testimony.

059 MOLLY MURPHY, Board of Directors, Oregon Poultry Counsel: Presents testimony in support of HB 306 8 (EXHIBIT N).

-She presents a demonstration.

113 JACK MUNRO, Association of Oregon Food Industries: This issue deserves considerable discussion.

119 CHUCK STOFFERS, Food Technologist, Safeway Stores: Anything presented as a public health/consumer rule should be put to a four way test.

-1. Is the proposal necessary?

-2. Is it fair?

-3. Is it enforceable?

-4. Is it cost effective?

-How does this proposal relate to state and federal laws?

-He does not know of another state that has a definition of fresh versus frozen.

-This conflicts with federal law and causes confusion to the industry.

-No other flesh foods are included.

-He is not sure if there is an economic or nutritional benefit to the consumers.

-Quality needs to be decided in the market place.

194 MUNRO: There are a lot of technical issues.

-Different things freeze at different temperatures.

-There is the suggestion that birds coming into the state are frozen rock hard. That is not the case.

-There is imported poultry that is frozen and there is Oregon poultry that is frozen.

-There is a suggestion that the FDA reduced their standards.

-The FDA reconsidered and reversed their earlier decision.

-There was the suggestion that anything that doesn't come from Oregon doesn't have a pedigree, but anything coming from a processing plant in the United States is inspected.

-The business community promotes the sale of Oregon products.

266 REP. DWYER: What is a food technologist?

STOFFERS: Explains.

REP. DWYER: Do you think the consumer has the right to know whether or not something has been frozen?

STOFFERS: The consumer has a right to know how a bird or any other food complies with the generally accepted standards.

REP. DWYER: You have no objection that it should be stated if something has been frozen?

STOFFERS: No.

REP. DWYER: Something that has been frozen shouldn't be sold as fresh?

STOFFERS: The consumer has a right to know what they are buying.



-He upholds truth in labeling as long as the definitions are clear.

REP. DWYER: With our technology can't we develop something that would indicate the temperature?

STOFFERS: Temperature history can be tracked.

REP. DWYER: We could conceivably track the temperature history so that something that was frozen couldn't be sold as fresh.

STOFFERS: The industry does that all the time.

REP. JOSI: Fish have labels that indicate it's been previously frozen; why can't you do that with chicken?

STOFFERS: We can.

-The issue is what is the definition of frozen and fresh?

-Anything that leads to a non-uniform set of laws is a hardship on the industry.

-We suggest this issue be pushed with the USDA.

333 CHAIR SCHROEDER: Refers to the written testimony from REP. TOM NOVICK (EXHIBIT O).

339 STEVEN SANDERS, Department of Justice: The federal standard was set in a policy memo. It does not have the legal effect of a rule or statute.

-It can't preempt the state from setting its own standard.

-The National Poultry Inspection Act permits the state to set stricter standards based on the prevention of deceitful practices or the protection of health and safety.

-He describes the commerce clause and how the state can set the standard by which chicken can be frozen.

403 CHAIR SCHROEDER: Closes the Public Hearing.

-He adjourns at 10:58 A.M.

Submitted by:      Reviewed by:

Edward C. Klein, Beth Patrino, Committee Assistant      Committee  
Administrator

EXHIBIT LOG:

A            -            Testimony on HB 3561 - Darrell Gulstrom - 5 pages  
B            -            Testimony on HB 3561 - Bob Hawkes - 1 page C            -            Testimony  
on HB 3561 - Marjorie Ehry - 1 page D-Amendments to HB 2785 - Rep. Baum  
- 1 page E-Amendments to HB 2785 - Rep. Baum - 1 page F-Testimony on HB  
2785 - John Brogoitti - 2 pages G-Testimony on HB 2785 - Robert Lazinka

- 3 pages H-Testimony on HB 2785 - Charles Woosley - 1 page I-Testimony  
on HB 2785 - Jeff Curtis - 4 pages J-Testimony on HB 2785 - Lyle Defrees  
- 1 page K-Testimony on HB 2785 - Riley Freeman - 2 pages L-Testimony on  
HB 3068 - Rep. McTeague - 4 pages M-Testimony on HB 3068 - Ken Holleman  
- 2 pages N - Testimony on HB 3068 - Molly Murphy - 1 page  
O - Testimony on HB 3068 - Rep. Novick - 1 page