

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

May 14, 1991 Hearing Room F 8:00 A.M. State Capitol Tapes
102 - 105

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 2716 - WORK SESSION HB 2786 - WORK SESSION HB
2934 - WORK SESSION HB 3240 - WORK SESSION HB 3561 - WORK SESSION HB
3396 - WORK SESSION SB 2 A - PUBLIC HEARING & WORK SESSION

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TAPE 102, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:05 A.M.

WORK SESSION -- HOUSE BILL 2716

CHAIR SCHROEDER: Opens the Work Session.

007 BETH PATRINO: Updates the bill.

-GEORGE BROWN suggested that on line 5, delete "20.2" and insert "25".

017 MOTION: REP. DWYER: Moves on line 5 of the printed bill, delete "20.2" and insert "25".

026 REP. NORRIS: We had testimony about raising this to 30 cents.

PATRINO: That's what this amendment will do.

CHAIR SCHROEDER: Raising this to 25 cents will make the total 30 cents.

035 REP. VANLEEUWEN: The overall harvest tax total is raised to 67 cents.

REP. DWYER: This is just for the Forest Research Laboratory.

REP. NORRIS: How much are we raising it?

REP. DWYER: We're raising it 9 cents.

042 REP. JOSI: Sixty-seven cents per thousand board feet is the current total.

REP. DWYER: Twenty-one cents is the current rate.

REP. NORRIS: We're raising it 4 cents?

REP. JOSI: We're increasing it 9 cents.

049 CHAIR SCHROEDER: Hearing no objection the motion passes.

MOTION: REP. DWYER: Moves House Bill 2716 as amended to the House Committee on Ways and Means with a do pass recommendation.

VOTE: The motion passes 6 to 0.

EXCUSED: REP. MEEK.

WORK SESSION -- HOUSE BILL 2786

CHAIR SCHROEDER: Opens the Work Session.

BETH PATRINO: Updates the bill.

CHAIR SCHROEDER: Temporarily closes the Work Session to wait for Judiciary Staff.

WORK SESSION -- HOUSE BILL 3240

CHAIR SCHROEDER: Opens the Work Session.

072 BETH PATRINO: Updates the bill.

-BILL MOSHOFSKY suggested an amendment.

REP. JOSI: What was the amendment?

PATRINO: On page 1, line 25, after "which" insert "some or all".

-That change is also on page 3.

REP. DWYER: Won't support that.

089 REP. VANLEEUEWEN: It's a taking if you are only allowed to harvest some of your timber.

REP. DWYER: The point is to give tax credits for keeping it, not to pay people to take the merchantable timber and leave what's left.

-Which is the result of that amendment.

CHAIR SCHROEDER: Temporarily closes the Work Session.

WORK SESSION -- HOUSE BILL 2786 -- EXHIBIT A

Witnesses:Holly Robinson, Counsel, House Committee on Judiciary Larry

Trosi, Oregon Farm Bureau Rep. Ray Baum, District 58

CHAIR SCHROEDER: Reopens the Work Session.

112 HOLLY ROBINSON, Counsel, House Committee on Judiciary: There are two issues.

-1. Setting an offense of a crime based on an unknown monetary figure at the time the act was being committed.

-This could conceivably violate due process. The person does not know the seriousness of the offense, because the damage will be assessed at a future date.

-2. She assumes the intent of the bill is to increase the penalties provided to the person who commits the offense.

-She refers to the "Sentencing Guidelines Grid" (EXHIBIT A).

141 REP. DWYER: This may be more appropriate in Judiciary.

ROBINSON: Has a recommendation for the committee's consideration.

-A referral to Judiciary is the committee's decision.

-She refers to the "Sentencing Guidelines Grid". All of the crimes under the old law and under the proposed law would be in category 6 and down (not severe sanctions).

-An amendment could direct the Sentencing Guidelines Council to set the crime at a crime seriousness scale of 8, which would guarantee prison time.

-She describes the grid.

REP. DWYER: Is this in months?

ROBINSON: Yes.

-The crimes created in the bill will not result in prison time unless the person is a multiple felony offender.

184 REP. DOMINY: Would stealing four cows be four offenses or only one offense?

ROBINSON: It's the number of convictions.

REP. DOMINY: Usually there would be four separate charges?

ROBINSON: Correct, but someone probably wouldn't plead guilty to four charges.

REP. DOMINY: If we convict 20 people of an 8, what will it cost us in prison space?

ROBINSON: There didn't appear there would be any prison impact, because the crime is low on the scale.

-The costs of prosecuting and defending a misdemeanor versus a felony offense appear low.

225 REP. VANLEEUEWEN: Someone stealing four cows would likely be one offense.

ROBINSON: It could be charged as four.

CHAIR SCHROEDER: What is your proposal?

ROBINSON: Recommends they leave it as a felony and add additional language to direct the Sentencing Guidelines Board to establish the offenses at a crime seriousness level that the committee decides on.

245 REP. NORRIS: Is this going to Judiciary?

CHAIR SCHROEDER: Not necessarily.

REP. NORRIS: Could we even deal with this on the Floor?

ROBINSON: Would be happy to help on the Floor.

CHAIR SCHROEDER: Do you have suggested wording?

ROBINSON: "The Sentencing Guidelines Board is directed to set these offenses at...." Just fill in the blank.

CHAIR SCHROEDER: What's your recommendation?

ROBINSON: Has no recommendation.

-Property crimes start at 6. The committee can increase them some.

REP. NORRIS: Property crimes are in the 5 and 6 range, \$10,000 to \$49,999. That's a lot of cows.

CHAIR SCHROEDER: We received a letter about a \$30,000 mare being killed.

285 CHAIR SCHROEDER: How do you read this matrix?

ROBINSON: Explains.

-Given the intent of the bills (HB 2786 AND HB 2934), the scale would not be adversely impacted if the crimes were put higher than the current property crimes.

CHAIR SCHROEDER: 7?

ROBINSON: That's defensible.

-The issue is the integrity of the system.

CHAIR SCHROEDER: What about fines?

ROBINSON: They would not have to be changed.

CHAIR SCHROEDER: According to the letter, the fine for killing a \$30,000 mare was \$50.

ROBINSON: That's a surprise. The court has the discretion to set the fine as high as they can, within certain limits.

CHAIR SCHROEDER: The class of felony would have bearing on the fine?

ROBINSON: Correct.

CHAIR SCHROEDER: Do you have the wording?

ROBINSON: Can give it to BETH.

339 CHAIR SCHROEDER: There are two parts to the bill:

-1. Unauthorized use of livestock.

-2. The amendments; interference of livestock production, marketing, processing, exhibition, etc.

REP. DWYER: The relating clause is very broad.

ROBINSON: Correct.

351 REP. NORRIS: Was there a separate bill dealing with research facilities?

CHAIR SCHROEDER: Yes.

REP. NORRIS: Does damage to the facility include harm to the animals?

REP. DWYER: We need to say "damage to the facility or its contents."

CHAIR SCHROEDER: That's covered in section 2 of the amendments.

REP. NORRIS: There's no direct connection to the animals.

387 PATRINO: Refers to page 1, line 4, HB 2786-2, Proposed Amendments to HB 278 6, dated 4/15/91 (EXHIBIT I, 4/16/91).

-This is one definition you referred to.

REP. NORRIS: It keeps talking about damage to the facility.

ROBINSON: There are two offenses within HB 2786.

-Unauthorized use of a livestock animal and interference with livestock production.

REP. NORRIS: We haven't set up any penalties for interference with livestock.

407 ROBINSON: Page 1, line 24, HB 2786-2, talks about livestock.

REP. NORRIS: That talks about compensation not punishment.

BETH PATRINO: REP. NORRIS is talking about the level of the felony is tied only to the damage of the facility.

-HOLLY said the determination of the damages to the production facility is made in the court and part of that determination is the replacement of livestock.

433 REP. DWYER: Refers to page 1, lines 21 to 24 and page 2, lines 1 to

3.

-You probably couldn't put a monetary value on a research animal that has generations of development behind it.

CHAIR SCHROEDER: Research animals is in HB 2934.

TAPE 103, SIDE A

009 ROBINSON: Page 1, line 24 takes care of REP. NORRIS's concern.

REP. NORRIS: This is compensation, not punishment.

ROBINSON: The intent is to look at the cost of the animal plus the damages. From that total figure the severity of the crime is determined.

-She presents examples.

023 REP. DOMINY: If someone estimated damages to their livestock at \$1,000, the court would first determine the amount of damages and if the court decided damages were \$5,000 the person would lose, because it was the wrong charge?

ROBINSON: The D.A would have to amend their petition or bring a new indictment if the amount was inaccurate.

-They would probably get a good assessment of the damages before charges were brought.

REP. DOMINY: Wouldn't the defense tear that argument apart and try to prove damages were too high?

ROBINSON: That's possible. The value of property is often litigated.

045 CHAIR SCHROEDER: There is a market value on livestock and a different value on purebred livestock.

063 REP. DWYER: Has concerns about neighbors with adversarial relationships. This bill could create a lot of problems.

ROBINSON: The key element is "knowingly" as opposed to "recklessly" doing it.

-It's not likely a prosecutor could prove the intent of "knowingly" if neighbors are angry with one another.

-If this bill said it was recklessly done, there would be more of a possibility of abuse.

REP. DWYER: There is a problem with the open range.

-It's conceivable someone could benefit by free stud service.

100 REP. DOMINY: There is nothing in this bill that would stop someone from getting back their cow and calf that another person raised for a year and one-half.

ROBINSON: Doesn't understand the right to reclaim the cow.

-The answer to your question is, probably not.

REP. DWYER: We heard testimony that people were taking cows. The cow would have a calf. They would give the cow back and would keep the calf.

-The testimony maintained this bill would allow the owner of the cow to take back the calf.

CHAIR SCHROEDER: In some cases it was six years before it was discovered that someone had the cows and they raised four or five calves.

REP. DWYER: The owner of the cow wanted all the calves.

ROBINSON: That's addressed in lines 10 and 11 of HB 2786.

130 REP. VANLEEUEWEN: Isn't there a law that says you can charge for the keep of someone's animals?

REP. DWYER: That's a gister's lien.

CHAIR SCHROEDER: You have a certain number of days to report finding an animal.

REP. DWYER: This bill refers to people that don't communicate.

REP. DOMINY: Maybe the sponsors will not get what they want from this legislation?

146 ROBINSON: Lines 10 and 11 address that.

REP. DOMINY: The owner of a cow could allow the cow to wander on someone's property and not say anything and after some time they could reclaim the cow and calf after it was raised by someone else.

ROBINSON: Doesn't know.

REP. JOSI: -The owner of the cow knows the calf belongs to them.

-The owner of the range knows the offspring belongs to someone else.

-Roundups determine which cows are which.

CHAIR SCHROEDER: There's a different situation in the open range.

172 REP. VANLEEUEWEN: Does MR. TROSI want to say something?

177 LARRY TROSI, Oregon Farm Bureau: On the range cows will stay with their calves.

-Animals are usually branded in range operations.

REP. NORRIS: Rustling becomes more of an issue as livestock become more expensive.

-Is rustling covered in this?

TROSI: Thinks it is.

-He does not know if that is the original intent.

REP. NORRIS: Would like to talk to REP. BAUM about this.

CHAIR SCHROEDER: We're talking about the owner of a pasture raising livestock that was not their own.

232 ROBINSON: This bill, as written, and current law would cover both those situations.

-The penalty in the bill is more severe than an actual theft charge.

REP. NORRIS: He has heard a lot about cattle being slaughtered in the fields, but he has not heard much concern expressed about ranchers holding another rancher's cows.

TROSI: It's easy for someone to load up several animals in an hour.

REP. NORRIS: That's outright theft.

256 REP. VANLEEUEWEN: The amendments really address some problems.

BETH PATRINO: You could add the sentence HOLLY suggested.

CHAIR SCHROEDER: What level do we want to adopt?

279 MOTION: REP. VANLEEUEWEN: Moves to adopt HB 2786-2, Proposed Amendments

to House Bill 2786, dated 4/15/91.

CHAIR SCHROEDER: Hearing no objection the motion passes.

-HOLLY indicated 7 was an appropriate level.

REP. JOSI: Where would that be inserted?

PATRINO: Add a section 5.

299 MOTION: REP. JOSI: Moves on page 2, line 14, HB 2786-2, insert "SECTION 5. The State Sentencing Guidelines Board is directed to set these offenses at level 7."

CHAIR SCHROEDER: Hearing no objection the motion passes.

323 REP. RAY BAUM, District 58: In some of the more rural parts of the state people allow cattle to remain on their property and breed them and benefit from this unauthorized use of livestock.

348 REP. JOSI: During a roundup a rancher would be knowingly aware cattle don't belong.

REP. BAUM: Ranchers don't always find all of their herd and in the remote areas it's easy to keep someone else's cattle.

REP. JOSI: They eventually have to return the cow that has a brand.

REP. BAUM: Unless they wait until the statute of limitations is up (two or three years).

400 CHAIR SCHROEDER: What's the requirement that a landowner has on the estray law?

REP. BAUM: It's the open range law.

-You are obligated to fence a cow out if you don't want them on your property. Once they're on your property you're obligated to notify the owner.

426 REP. DOMINY: What's the protection for a landowner if a cow keeps coming back?

REP. BAUM: There probably would be some kind of trespass action. You probably have one opportunity to take care of your cow.

TAPE 102, SIDE B

012 REP. NORRIS: Refers to section 3, HB 2786-2 amendments.

-This does not say anything about harm to the animal. Does this bill as amended provide for harm to the animal.

REP. BAUM: They go beyond the scope of the original bill, but are appropriate.

037 CHAIR SCHROEDER: Refers to line 14 of the original bill.

055 MOTION: REP. VANLEEUEWEN: Moves House Bill 2786 as amended to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 5 to 2.

AYE: REP. JOSI, REP. MEEK, REP. NORRIS, REP. VANLEEUEWEN, REP. SCHROEDER.

NAY: REP. DOMINY, REP. DWYER.

EXCUSED: REP. MEEK.

068 REP. DWYER and REP. DOMINY: Serve notice of a possible minority report.

CARRIERS: REP. BAUM and REP. SCHROEDER.

WORK SESSION -- HOUSE BILL 2934

080 BETH PATRINO: Updates the bill.

-There was a suggestion on line 21, after "research" insert "and teaching"

REP. JOSI: The same amendment on line 9.

CHAIR SCHROEDER: Has it noted that any place "research" appears, insert "or teaching".

PATRINO: Suggested line 21, because that is where "animal research facility" is defined.

094 MOTION: REP. DOMINY: Moves on line 21, House Bill 2936, after

"research" insert "or teaching".

CHAIR SCHROEDER: Hearing no objection the motion passes.

CHAIR SCHROEDER: Do we need wording about a sentencing guideline?

ROBINSON: That would be advisable.

103 MOTION: REP. JOSI: Moves on line 30, insert "SECTION 3. The State Sentencing Guidelines Board is directed to set these offenses at level 7."

CHAIR SCHROEDER: Hearing no objection the motion passes.

106 MOTION: REP. DOMINY: Moves House Bill 2934 as amended to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 6 to 0.

EXCUSED: REP. MEEK.

CARRIER: REP. SCHROEDER.

CHAIR SCHROEDER: Recesses at 9:09 A.M.

-He reconvenes at 9:19 A.M.

133 MOTION: REP. DOMINY: Moves to suspend the rules to reconsider House Bill 2934.

CHAIR SCHROEDER: Hearing no objection the motion passes.

RECONSIDERATION -- HOUSE BILL 2934 -- EXHIBIT B

Witness:Sara Wiley, Oregon Medical Association

MOTION: REP DOMINY: Moves to reconsider the vote by which House Bill 2934 as amended was passed.

CHAIR SCHROEDER: Hearing no objection the motion passes.

-We had an amendment that clarifies something essential in this bill.

148 SARA WILEY, Oregon Medical Association: Describes HB 2934-1, Proposed Amendments to House Bill 293 4, dated 4/24/91 (EXHIBIT B).

-This is a housekeeping amendment that clarifies the issue.

CHAIR SCHROEDER: Without this amendment if an animal dies or is killed after research is completed it would be a crime.

WILEY: In current statute there is no exception for physicians or laboratory animals.

CHAIR SCHROEDER: Reads the amendment.

171 MOTION: REP. DOMINY: Moves to adopt HB 2934-1, Proposed Amendments to House Bill 2934, dated 4/24/91.

CHAIR SCHROEDER: Hearing no objection the motion passes.

MOTION: REP. DOMINY: Moves House Bill 2934 as amended to the Floor of the

House with a do pass recommendation.

VOTE: The motion carries 5 to 0.

EXCUSED: REP. MEEK and REP. VANLEEUEWEN.

202 REP. DWYER: Asks unanimous consent to allow REP. VANLEEUEWEN to vote on amended House Bill 2934.

CHAIR SCHROEDER: Hearing no objection the motion passes.

REP. VANLEEUEWEN: Votes aye.

WORK SESSION -- HOUSE BILL 3240

Witnesses:Rep. Bill Markham, District 46 Charlie Stone, Forest Practices Director, Department of Forestry

CHAIR SCHROEDER: Opens the Work Session.

213 REP. BILL MARKHAM, District 46: This is a taking. Landowners are entitled to compensation.

-Does this have a prior referral?

CHAIR SCHROEDER: To Revenue.

REP. MARKHAM: Legislative Counsel's addition of a lien after the land was logged adds more problems. If that was necessary it would be on all forestland.

231 REP. DWYER: What about the blanks?

REP. MARKHAM: It should be 100 percent of the value of the timber.

241 MOTION: REP. DWYER: Moves in House Bill 3240, on page 2, line 24 and on page 4, line 11, after "be" delete the blank and insert "100".

CHAIR SCHROEDER: Hearing no objection the motion passes.

252 REP. NORRIS: The Department of Forestry testified they were concerned about the added cost.

-This might also have to be referred to Ways and Means.

257 MOTION: REP. DWYER: Moves House Bill 3240 as amended to the House Committee on Revenue and School Finance with a do pass recommendation.

CHAIR SCHROEDER: There was a suggestion on page 1, line 25 after "which" insert "some or".

-Your motion is if all the timber was left in the riparian zone.

REP. DWYER: Correct. A person can't take all the fir and leave all the maple and expect the state to pay.

MARKHAM: The Department of Forestry marks what's left.

-They may allow you to take some out, but you won't get a tax credit for what you remove.

REP. VANLEEuwEN: REP. MARKHAM, if you were only allowed to harvest part of the stand you could get the tax credit for that part you were not allowed to harvest.

-Do you prefer that or the amendment?

REP. MARKHAM: The former is the intent.

CHAIR SCHROEDER: You're supposed to leave a maximum of nine trees.

293 MOTION: REP. VANLEEuwEN: Moves in House Bill 3240, on page 1, line 25 and on page 3, line 26 after "which" insert "some or".

REP. DWYER: Does not support the amendment.

315 REP. JOSI: Please clarify the issue.

REP. VANLEEuwEN: The bill as written says the only way the owner of the timber can have a tax credit is if all the timber in the riparian area is left unharvested.

-With my amendment--if the owner was allowed to harvest part of that timber would they be allowed to get a tax credit for the area they were not allowed to harvest?

REP. JOSI: A tax credit for the remaining portion.

REP. MEEK: Wouldn't that apply to the original bill?

REP. VANLEEuwEN: The way the bill is written, you would not be eligible unless all of the timber in the riparian area was left unharvested.

347 REP. DWYER: Refers to page 1, lines 27 to 29.

361 CHARLIE STONE, Forest Practices Director, Department of Forestry: The intent is that as long as the trees required to be left are left, the tax credit would apply.

REP. VANLEEuwEN: That does not go along with REP. DWYER's comments.

-In spite of lines 25 and 26, the owner of the property could be allowed to harvest some of the trees and receive the tax credit for the remaining trees?

STONE: The credit can be applied for those trees that are required to be left.

-Lines 25 and 26 are part of a definition of a timber harvest operation.

-Legislative Counsel needs to make sure of the intent.

REP. DWYER: It allows you to have the credit if you leave the trees and gives you the tax credit for the trees you're required to leave.

REP. VANLEEuwEN: Is comfortable with that. That conversation should go

to Revenue with the bill.

REP. MARKHAM: He will make sure Revenue understands the intent.

REP. VANLEEUEWEN: Removes her amendment.

439 REP. NORRIS: Refers to page 2, line 12 and page 3, line 43. This language suggests not all of the timber has to be left.

REP. DWYER: But it allows you to leave all the trees and get credit for them.

TAPE 103, SIDE B

011 MOTION: REP. VANLEEUEWEN: Moves House Bill 3240 as amended to the House

Committee on Revenue and School Finance with a do pass recommendation.

VOTE: The motion carries unanimously.

WORK SESSION -- HOUSE BILL 3561 -- EXHIBIT C

Witnesses:Marjorie Ehry, Oregon State Beekeepers Association Lorna Youngs, Department of Agriculture

CHAIR SCHROEDER: Opens the Work Session.

027 BETH PATRINO: Updates the bill.

040 REP. DWYER: Reads a letter from the Oregon Beekeepers Association (EXHIBIT C).

057 REP. JOSI: How would we amend this to require the Department of Agriculture and the Apiary Advisory Board to look at modifying the inspection program?

065 MARJORIE EHRY, Oregon State Beekeepers Association: The Apiary Advisory Committee works with the Department of Agriculture.

-We are asking them to come up with a more workable program within our budget.

REP. JOSI: Are they willing to revamp the program? Do they need direction from this committee to do that?

EHRY: No. They take the association input under advisement and work with the department.

-We want to make sure they work together rather than be at odds with each other.

088 REP. NORRIS: Is the Apiary Advisory Board strictly advisory?

EHRY: Yes.

-The department has assured us they will take the advisory board's position.

REP. DWYER: How many beekeepers do you represent?

EHRY: Thirteen percent of the registered beekeepers; over two-thirds of the registered bees.

110 REP. DOMINY: There was discussion of putting the additional fee on commercial beekeepers.

-He doesn't believe others can afford the fee increase.

EHRY: The small beekeepers can afford it better than commercial beekeepers.

REP. DOMINY: No one is representing the small beekeepers.

EHRY: The majority of our members are hobby beekeepers.

REP. VANLEEUEWEN: We need to have all of the bees registered and protected.

132 REP. DOMINY: Has a letter from a constituent saying we should scrap the bill.

-How many small beekeepers see a need for the bill?

EHRY: The issue is not the program.

-That's why we're suggesting the board meet with the department.

149 REP. JOSI: We aren't doubling the program, we're giving them the potential to double the fees.

-Isn't the association hoping the department and advisory committee will revamp the program and come up with something better than doubling the fee?

EHRY: Something more fair to everyone.

159 REP. DWYER: There is a tendency to push the caps to the limit.

-He will not support doubling the fee.

EHRY: That was one of our concerns.

-An initial concern was to reinstate some General Fund money.

REP. DWYER: You'll never get General Fund money if you keep raising the fees.

EHRY: Beekeepers said they would not support raising fees.

-We are hoping that the advisory committee and department can work it out and revise the program.

CHAIR SCHROEDER: The General Fund will provide \$50,000 and the department is asking the industry to pick up the other \$50,000.

REP. JOSI: HB 3561 is a commitment from Ways and Means to partially fund this program.

-That's half of what it was last biennium.

-This was not included in the Governor's budget.

-If we vote this down we are voting to dispose of the whole program. That's not what the beekeepers want.

EHRYS: We need a program to safeguard bees.

REP. DWYER: Let's vote.

REP. JOSI: We should leave the fees the way they are.

-Would we still get the commitment from Ways and Means?

REP. DWYER: Supports that.

220 MOTION: REP. JOSI: Moves in House Bill 3561, page 1, lines 15 and 16 delete the bold language and restore the bracketed language.

CHAIR SCHROEDER: What would that do?

EHRYS: That would continue the program.

REP. JOSI: That would give the committee and department the impetus to work together.

-Is that agreeable?

EHRYS: Yes.

CHAIR SCHROEDER: How would that affect the program?

249 LORNA YOUNGS, Department of Agriculture: We are committed to a program with a limit of \$100,000.

-The department has no intention of raising the fees unless the industry says they want us to.

YOUNGS: We raise \$50,000 with the current fee schedule.

-The bill as written gives us another \$50,000 from the General Fund and the authority to raise an additional \$50,000 through fees.

-The bill has the potential of raising \$150,000, if the industry wants it.

-She doesn't know whether the \$50,000 offer of General Funds would be withdrawn if the bill is amended.

-We could deliver a program for \$100,000.

REP. JOSI: Would you like me to remove my amendment?

EHRYS: We need the General Fund money.

-If the amendment jeopardizes the bill, she won't support the amendment.

304 REP. DWYER: The bee program is very important, if Ways and Means is concerned about agriculture they won't jeopardize it.

-He won't support doubling the fees.

323 REP. JOSI: Ways and Means and the Governor eliminated an important water testing program.

REP. DOMINY: We might as well vote on the amendment.

BETH PATRINO: On line 17 there appears to be a housekeeping change.

REP. JOSI: Keep that.

REP. VANLEEUEWEN: Is there a need for the bill if we amend it?

REP. DWYER: There would be no program.

REP. JOSI: Does not believe the \$50,000 from the General Fund is in jeopardy.

REP. VANLEEUEWEN: Opposes the amendment, because the beekeepers and department can work something out.

REP. NORRIS: Refers to testimony presented by the Department of Agriculture on April 21, which stated the fees would not be raised unless requested by the industry.

384 REP. JOSI: Withdraws the motion.

REP. DWYER: Replaces the motion.

VOTE: The motion fails 5 to 2.

AYE: REP. JOSI, REP. MEEK, REP. NORRIS, REP. VANLEEUEWEN, REP. SCHROEDER.

NAY: REP. DOMINY, REP. DWYER.

401 MOTION: REP. MEEK: Moves on line 15, delete "\$10" and insert "\$7" and on line 16, delete "60" and insert "45" and on line 18, delete "\$20" and insert \$15" and delete "\$1.20" and insert "90 cents".

REP. DOMINY: Objects.

REP. DWYER: Objects.

REP. JOSI: We're arguing semantics. We went through this with the previous amendment. He won't support this amendment.

REP. VANLEEUEWEN: Supports the amendment.

-What does MARJORIE EHR Y think?

443 EHR Y: Supports the amendment as long as the department and committee work together and the fees stay the way they are.

REP. JOSI: The department stated there would be no increases without the consent of the industry.

REP. MEEK: Accepts the department's word, but still wants the amendment.

REP. DWYER: Doesn't think Ways and Means will cut the program. He feels they are being used and will not support fee increases.

TAPE 104, SIDE A

037 VOTE: The motion fails 4 to 3.

AYE: REP. MEEK, REP. VANLEEUVEN, REP. SCHROEDER.

NAY: REP. DOMINY, REP. DWYER, REP. JOSI, REP. NORRIS.

MOTION: REP. MEEK: Moves House Bill 3561 to the Committee on Ways and Means with no recommendation.

REP. DWYER: Sending the bill to Ways and Means without recommendation is telling them to do what they want with it.

-He won't support that. He wants to give them some direction.

VOTE: The motion carries 4 to 3.

AYE: REP. JOSI, REP. NORRIS, REP. VANLEEUVEN, REP. SCHROEDER.

NAY: REP. DOMINY, REP. DWYER, REP. MEEK.

WORK SESSION -- HOUSE BILL 3396

Witnesses: Jeff Curtis, Department of Fish and Wildlife Rep. Rod Johnson, District 45 Claire Puchy, Threatened and Endangered Coordinator, Oregon Department of Fish and Wildlife

CHAIR SCHROEDER: Opens the Work Session.

075 JEFF CURTIS, Department of Fish and Wildlife: As we previously testified, we are in opposition to this bill.

100 REP. MEEK: No one is taking the initiative to look at economic consequences.

-If the state doesn't take initiative who will?

CURTIS: This bill would not require us to do an economic analysis of the listings under the Federal Endangered Species Act.

-An economic analysis will be done pursuant to critical habitat designation.

-A number of private economic analyses have been done.

-This bill doesn't get to the issue either.

117 REP. DWYER: The bill is well intended, but could cause anyone to claim that whatever the Fish and Wildlife Commission does would have economic impact.

-The bill might only make money for lawyers.

128 REP. ROD JOHNSON, District 45: Will entertain any suggestions to improve the bill.

-Lines 12 and 13 narrow the scope of the bill.

-It is important that Oregon won't list endangered species without balancing the impacts on people.

-If we don't do it, how can we complain that the Federal Government doesn't do it?

REP. DWYER: Federal law preempts our ability to regulate. How do we deal with that issue?

REP. JOHNSON: The Federal Endangered Species Act comes up for review in 1992.

-We have an opportunity to tell Congress what the Endangered Species Act should look like.

REP. DWYER: Didn't we already do that in a Memorial?

REP. JOHNSON: No. This is substantive. We're showing Congress we've put a balancing component in our act and then we can ask Congress to put a balancing component in the federal act.

REP. DWYER: This bill could create a lot of litigation.

-We don't want to give preservationists any more tools than they already have.

REP. VANLEEUEWEN: This needs to be done and should have been in state law a long time ago.

-Another mill in my district is closing because of what has happened over the listing of the spotted owl.

REP. NORRIS: Let's begin the fight.

221 REP. DOMINY: What if we delete "any negative" on line 13?

-Anything you did in the environment could be construed as being negative.

REP. JOHNSON: You could substitute "the". "Consequences" has a connotation by itself.

REP. DWYER: Supports that amendment.

-He agrees with REP. NORRIS, but you have to get this by the Senate.

REP. JOHNSON: If we limited ourselves to what will pass the Senate, we shouldn't bother showing up.

REP. DWYER: It's just a reality check.

254 REP. MEEK: The habitat and a number of other issues involved around habitat are looked at when the State Fish and Wildlife Commission comes up with a species that could be listed as endangered.

-They don't go into the local communities and try to work on a plan together. That's what this bill addresses.

-He does not understand why the Department of Fish and Wildlife would want act like the Federal Government did with the spotted owl.

-If the department needs to take action on an endangered species, they should work out a plan with the affected communities

-The department should be supporting this so they aren't put into the same posture as the Federal Government.

REP. JOSI: If the dairy farmers in the Nestucca went through a process like the one proposed here there would not have been the problems there were.

326 CHAIR SCHROEDER: REP. JOHNSON, what's your reaction that this may give the preservationists' more ammunition?

REP. JOHNSON: This is a restriction on the preservationists' opportunities.

-If this bill passes they would have to weigh the economic consequences for hunters if hunting was banned.

REP. DWYER: Understands, but the preservationists could enjoin hunting with this bill.

363 REP. JOHNSON: We could limit section 1 to listing propositions, but then it wouldn't be as broad as we want it to be.

REP. JOSI: This bill puts the balancing issue on the table.

REP. NORRIS: What if we started line 9, "With respect to the declaration of the species as threatened or endangered...." Let's narrow it to the designation of threatened or endangered species.

REP. DWYER: That's right.

407 CLAIRE PUCHY, Threatened and Endangered Coordinator, Oregon Department of Fish and Wildlife: The State Endangered Species Act applies only to state actions on state-owned or leased lands.

-An economic analysis would have to be restricted to state lands.

-There is already language in the state act that provides for economic factors.

REP. VANLEEUEWEN: We should amend it so the state has to consider the economic impacts on other than state properties.

441 CURTIS: You can look at economic issues a number of different ways.

-We think if we take some care now and take some small actions now, we can prevent losing control of the issue.

-The spotted owl issue is out of control, but this bill would affect our ability to do some of the small actions in the future and prevent some of the economic chaos that could ensue from future listings.

-This bill could have more serious long-term economic consequences.

CHAIR SCHROEDER: The bill just refers to "economic consequences".

TAPE 105, SIDE A

026 CURTIS: The commission does economic analyses for all our regulations and the commission hears testimony and looks at things very carefully.

REP. DWYER: Has never seen an analysis on how regulations affect a community.

-He would like to see an analysis of an adverse community impact.

CURTIS: Will try to provide that.

044 MOTION: REP. NORRIS: Moves in House Bill 3396, on line 9, after "(2)", insert "With respect to the designation of the species as threatened or endangered".

CHAIR SCHROEDER: Hearing no objection the motion passes.

052 MOTION: REP. DOMINY: Moves on line 13, delete "any negative" and insert "the".

CHAIR SCHROEDER: Hearing no objection the motion passes.

MOTION: REP. NORRIS: Moves House Bill 3396 as amended to the Floor of the House with a do pass recommendation.

VOTE: The motion carries unanimously.

CARRIER: REP. ROD JOHNSON.

PUBLIC HEARING -- SENATE BILL 2 A-ENGROSSED -- EXHIBIT D

CHAIR SCHROEDER: Opens the Public Hearing.

BETH PATRINO: Describes the bill (EXHIBIT D).

CHAIR SCHROEDER: Closes the Public Hearing.

WORK SESSION -- SENATE BILL 2 A-ENGROSSED

CHAIR SCHROEDER: Opens the Work Session.

086 MOTION: REP. DOMINY: Moves Senate Bill 2 A-Engrossed to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 6 to 0.

EXCUSED: REP. DWYER.

CARRIER: REP. DOMINY.

REP. DOMINY: Asks for unanimous consent to allow REP. MEEK to vote on House Bill 2716, House Bill 2786 and House Bill 2934.

CHAIR SCHROEDER: Hearing no objection the motion passes.

REP. MEEK: What was the motion for House Bill 2716?

CHAIR SCHROEDER: Explains.

REP. MEEK: Votes no on House Bill 2716.

-He votes aye on House Bill 2786.

-He votes aye on House Bill 2934.

CHAIR SCHROEDER: Adjourns at 10:41 A.M.

Submitted by: Reviewed by:

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

EXHIBIT LOG:

A - Sentencing Guidelines Grid - Staff - 2 pages
B - Amendments to HB 2934 - Sara Wiley - 1 page C - Letter
on HB 3561 - Marjorie Ehry - 1 page D-SMS/Fiscal/Revenue impacts for SB
2 A - Staff - 2 pages