

HOUSE COMMITTEE ON ENVIRONMENT

March 08, 2005 Hearing Room D

1:00 P.M. Tapes 17 – 18

MEMBERS PRESENT: Rep. Gordon Anderson, Chair

Rep. Bob Jenson, Vice-Chair

Rep. Mary Nolan, Vice-Chair

Rep. Phil Barnhart

Rep. Bill Garrard

Rep. John Lim

Rep. Diane Rosenbaum

STAFF PRESENT: John Houser, Committee Administrator

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

SB 66 – Public Hearing

SB 68 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 17, A		
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002	Chair Anderson	Calls the meeting to order at 1:07 p.m. Opens a public hearing on SB 66.
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SB 66 – PUBLIC HEARING

005	John Houser	Committee Administrator. Introduces SB 66.
010	Jana Tindall	Assistant Director of Administration, Oregon Parks and Recreation Department (OPRD). Submits and summarizes prepared testimony in support of SB 66 (EXHIBIT A).
023	Rep. Garrard	Asks why SB 66 is being proposed.
025	Tindall	Explains that it would provide additional recreation activities in Oregon.
028	Rep. Garrard	Notes that Indian tribes are considered sovereign nations and asks if giving them money under SB 66 would be considered giving money to another nation.
030	Tindall	Answers yes. Notes that the funding process is open to the public, not just the tribes.
033	Rep. Barnhart	Asks for a description of grant funding.
042	Tindall	Explains that Measure 66 lottery funds are used for acquisition and development and to enhance recreation opportunities.
055	Rep. Barnhart	Asks if SB 66 would apply to some or all of the funds.
057	Tindall	Answers that it would apply to all of the funds and explains that it is a competitive grant program.
062	Rep. Barnhart	Asks why there have not been more applications for funding.
067	Tindall	Notes that only one tribal application was made. States that OPRD is open to work with groups to make applications.
072	Rep. Barnhart	Asks about city and county governments applying for grants.

075	Tindall	Clarifies that county governments have received grants.
080	Tim Wood	Director, OPRD. Clarifies that only one tribe has applied, but many other governments have applied and received funds.
089	Rep. Barnhart	Asks if the funds have been fully subscribed.
091	Wood	Explains that there is sometimes money left at the end of the biennium and notes that the grants benefit both the public and the tribes.
103	Rep. Jenson	Asks how the remainder of the Measure 66 money is used.
108	Wood	Explains the 4 categories on which money is spent: an \$8 million local grant program, a \$7 million acquisition account, a \$15 million facility investment maintenance backlog, and operational costs.
118	Rep. Jenson	Asks how much is spent on operational costs.
120	Wood	Answers that the total lottery funding for OPRD is \$70 million.
122	Rep. Jenson	Clarifies that there is \$34 million left for operational costs.
124	Wood	States that the \$34 million is approximately correct.
128	Rep. Barnhart	Asks if funds could be used for parks outside Oregon.
130	Wood	Answers no.
132	Rep. Barnhart	Notes that it is not specifically prohibited in statute.
134	Wood	States that OPRD does not have the authority to operate parks outside the state.
140	Rep. Lim	Notes that the Indian tribes in Oregon are making hundreds of millions of dollars from their casinos. Asks why tribes need money from the state.
147	Wood	

Answers that it is a question of equity. Explains that the tribes are partners in providing recreational opportunities in Oregon.

160	Rep. Lim	Asks how much money would go to the tribes under SB 66.
164	Wood	Answers that there is no set amount, but that the tribes would compete for the funds like other government entities.
175	Rep. Lim	States that he cannot agree to the proposal in SB 66.
186	Rep. Jenson	Asks if there is a carryover for unused funds and how it is allocated.
195	Wood	Answers that the unused funds are retained in the program and used by local governments during the following biennium.
202	Rep. Garrard	Asks if land acquisitions would be purchased in the name of the tribes.
206	Wood	Answers yes.
216	Rep. Garrard	Notes that if a sovereign nation purchases land, it does not have to pay local taxes.
226	Wood	Answers that the process of tribes receiving grants has not happened yet, so the issue has not been addressed.
227	Rep. Garrard	Assures Mr. Wood of the process from his experience as a Klamath County Commissioner.
230	Chair Anderson	Asks what happens when a project goes over budget.
235	Wood	Answers that the grant rule states that the cost overruns are the obligation of the grant recipient.
238	Chair Anderson	Asks if tribes pay federal or state income taxes.
240	Wood	Answers that he is unsure. Notes that the funds in question are lottery funds, not taxes.

244	Chair Anderson	Asks where it is stipulated in SB 66 that programs operated by the tribes are open to the public.
250	Wood	Answers it is part of an agreement within every contract.
257	Rep. Lim	Asks for a clarification of how tax dollars and lottery funds are used.
261	Wood	Clarifies the use of tax money and lottery money.
273	Louis Pitt	Director of Government Affairs and Planning, Confederated Tribes of Warm Springs. Testifies in support of SB 66. Explains lands in Oregon owned by the tribes and the United States and the need for a program such as that under SB 66. States how the tribe shares the Deschutes river for fishing. Suggests a sunset provision for SB 66. Highlights the importance of developing sustainable tourism.

TAPE 18, A

006	Michael Mason	Confederated Tribes of the Warm Springs. Explains that all Indians pay federal taxes, but tribal governments do not. Explains the exemptions for state taxes.
031	Rep. Garrard	Asks if the tribes charge for a permit to hunt or fish on tribal lands.
040	Pitt	Answers yes. Explains that the land is set aside for their use and it is their right to charge. Explains that it is necessary as their members do not wish to share these rights unless paid for them.
064	Mason	Explains the importance of hunting for subsistence. Notes that some Indian casinos are not making much money and the hunting fees are necessary for income.
085	Rep. Garrard	Asks if the Indian casinos are competition for the Oregon Lottery.
087	Mason	Explains that it is not seen as competition as people who go to casinos go as a destination rather than the neighborhood nature of the lottery.
110	Rep. Jenson	Asks if there is land on the Warm Springs reservation that is not Indian-owned.

125	Pitt	Answers that it is 99% tribal owned.
128	Rep. Jenson	Asks if tribes may use the grant process to re-purchase lands to develop parks.
158	Pitt	Answers that it would be possible.
163	Rep. Jenson	States that a park on the Umatilla River to watch spawning salmon may be a tourist attraction.
175	Chair Anderson	Asks what the expectation would be for reciprocal investment from Indian tribes to the United States.
190	Pitt	Answers that many do not understand sovereignty and how it differs from state or federal sovereignty and the tribes have contributed a great deal to Oregon. Describes the nature of monetary and spiritual wealth.
223	Mason	Further clarifies the contributions that tribes make to Oregon.
236	Chair Anderson	Concurs with Mr. Pitt's statements regarding monetary and spiritual wealth and states that Oregonians would be excited about land development for parks.
257	Rep. Jenson	Asks about using the grants to re-purchase tribal lands within the confines of the park.
275	Kelsey Wilson	Confederated Tribes of the Umatilla Indian Reservation. Notes support for SB 66. Answers that she will get the information.
286	Chair Anderson	Closes the public hearing on SB 66. Opens a public hearing on SB 68.

SB 68 – PUBLIC HEARING

289	John Houser	Committee Administrator. Introduces SB 68.
301	Tim Wood	Director, Oregon Parks and Recreation Department (OPRD). Submits and summarizes prepared testimony in support of SB 68 (EXHIBIT B).

354	Rep. Garrard	Asks if fees will be charged for the permits.
357	Wood	Answers that fees would probably not be charged, because most of the applicants would be disabled and would be issued a no-fee permit.
368	Rep. Lim	Asks how many people would be affected by passage of SB 68.
372	Wood	Answers that anyone who has a disabled permit would be eligible.
387	Houser	Asks if an individual could establish a business to provide vehicles for beach access to disabled individuals.
397	Wood	Answers that the intent was to provide the benefit to the individuals. Acknowledges that it would be possible to establish a business to provide beach access under SB 66.
405	Rep. Barnhart	Cites bill language and asks if a driver license is necessary to get the permit.
410	Wood	Answers that the bill language refers to certain statutes requiring permits to operate Class 1 ATVs.
420	Rep. Barnhart	Asks if the language is specific enough to allow appropriate use and disallow inappropriate use.
450	Wood	Answers that the issue would be addressed by administrative rule.
460	Rep. Barnhart	States that the bill could allow relatives of the disabled to drive on or accompany the disabled on beach property.

TAPE 17, B

004	Rep. Garrard	Cites bill language and asks if OPRD has the option to charge a fee.
010	Wood	Explains it is their intent not to charge and reiterates the intent of the bill.
015	Rep. Garrard	Expresses concern over how the bill may be interpreted in the future.

018	Rep. Lim	Asks for definition of “recreational area”.
021	Wood	Explains that the ocean shore recreation area is from the ordinary low tide area to the statutory or vegetation line, whichever is furthest inland. Explains that “recreational area” would be confined to that area.
025	Rep. Lim	Asks if users may go anywhere on a state beach.
030	Wood	Answers that it would be restricted to area already open to driving under statute and rule.
034	Rep. Lim	Asks if the areas are clearly marked by signage.
038	Wood	Explains yes.
044	Chair Anderson	Asks why some beaches are roadless and not drivable.
049	Wood	Explains that the rules were established with considerations toward natural resources and solitude and requests from local governments to control vehicle use on the beach.
066	Chair Anderson	Asks if there is a difference between the designation of roadless beaches and roadless forests.
070	Wood	Answers that it is practical to allow vehicles into the areas for uses such as resource management and damage assessment.
080	Chair Anderson	Expresses concern about allowing certain users to drive on beaches and not allow others. Closes the public hearing on SB 68. Adjourns the meeting at 2:12 p.m.

EXHIBIT SUMMARY

- A. **SB 66, prepared testimony, Tim Wood, 1 p**
- B. **SB 68, prepared testimony, Tim Wood, 1 p**