

HOUSE COMMITTEE ON WATER

April 08, 2003 Hearing Room B
8:00 AM Tape 50 - 52

MEMBERS PRESENT: Rep. Bob Jenson, Chair
 Rep. Jackie Dingfelder, Vice-Chair
 Rep. Jeff Kropf, Vice-Chair
 Rep. Jeff Kruse
 Rep. Linda Flores
 Rep. Mike Schaufler
 Rep. Carolyn Tomei

STAFF PRESENT: Pete Test, Committee Administrator
 Ryan Sherlock, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3094 – Work Session**
 HB 3261 – Public Hearing and Work Session
 HB 2606 – Public Hearing
 HB 3249 – Public Hearing and Work Session
 HB 2459 – Work Session
 HB 3555 – Public Hearing
 HB 2431 – Public Hearing
 HB 2800 – Public Hearing
 HB 3407 – Public Hearing
 HB 3478 – Public Hearing
 HB 3477 – Public Hearing
 HB 3519 – Public Hearing
 HB 3597 – Public Hearing
 HB 3598 – 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
TAPE 50, A		
003	Chair Jenson	Calls meeting to order at 8:13 a.m., and opens a work session on HB 3094.
<u>HB 3094 – WORK SESSION</u>		
010	Pete Test	Committee Administrator. Offers a description of HB 3094.
020	Rep. Johnson	House District 31. Offers testimony in support of HB 3094 and the proposed -1 amendment (EXHIBIT A).
025	Rep. Dingfelder	Asks whether the Oregon Department of Fish and Wildlife (ODFW) has testified on this bill.
030	Test	Explains that the ODFW has worked on the bill and the amendments.
035	Rep. Johnson	Explains the role of the ODFW.
040	Rep. Dingfelder	MOTION: Moves to ADOPT HB 3094-1 amendments dated 03/31/03.
		VOTE: 4-0

045	Chair Jenson Rep. Dingfelder	EXCUSED: 3 - Flores, Kruse, Kropf Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3094 to the floor with a DO PASS AS AMENDED recommendation.
050		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Flores, Kruse, Kropf The motion CARRIES. REP. JOHNSON will lead discussion on the floor.
060	Chair Jenson	Closes the work session on HB 3094, and opens a public hearing on HB 3261.

HB 3261 – PUBLIC HEARING

070	Pete Test	Committee Administrator. Offers a description of HB 3261.
080	Amanda Rich	Special Districts Association of Oregon. Introduces Mr. Warren and Mr. Schafer of the Multnomah County Drainage District.
090	Tim Warren	Multnomah County Drainage District. Offers testimony in support of HB 3261.
105	Rep. Schaufler	Asks whether the same quorum rule apply.
107	Warren	Acknowledges.
110	Rep. Dingfelder	Asks why the district was originally created with only three members.
115	Warren	Offers a brief history of the district.
120	Rep. Dingfelder	Asks why the issue has not come up before.
122	Warren	Discusses the problem.
125	Dick Schafer	Multnomah County Drainage District. Offers testimony in support of HB 3261.
130	Chair Jenson	Clarifies that currently there are three members, and that they want to increase the board to five. Points out the difficulty which may occur in trying to get obtain additional volunteers.
140	Warren	Comments on the board membership.
150	Chair Jenson	Points out the excessive workload for volunteer boards.
155	Warren	Further discusses the scope of the board.
160	Chair Jenson	Asks what types of fish are protected by the board.
165	Warren	Discusses the issue of fish protection.
170	Schafer	Comments on the environmental and other concerns which face the board, necessitating increasing the number of board members.
190	Rep. Dingfelder	Comments on her district work regarding slew maintenance.
195	Warren	Discusses other issues regarding watershed and slew protection.
220	Rep. Jenson	Asks whether the board attempts to balance the business and environmental concerns.
225	Warren	Explains that the board works well to balance the two issues.
250	Chair Jenson	Closes the public hearing on HB 3261, and opens a work session on HB 3261.

HB 3261 – WORK SESSION

255	Rep. Tomei	MOTION: Moves HB 3261 to the floor with a DO PASS recommendation.
260		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Kruse, Kropf The motion CARRIES.
265	Chair Jenson Rep. Tomei	MOTION: Moves HB 3261 be placed on the CONSENT CALENDAR.

VOTE: 5-0

EXCUSED: 2 - Kruse, Kropf

Hearing no objection, declares the motion CARRIED.

Closes the work session on HB 3261, and opens a public hearing on HB 2606.

275 Chair Jenson
Chair Jenson

HB 2606 – PUBLIC HEARING

280 Pete Test Committee Administrator. Offers a description of HB 2606, and introduces the proposed -1 amendments (**EXHIBIT B**).

290 Chair Jenson Recesses the meeting.

RECESS

290 Chair Jenson Calls meeting back to order and asks Mr. Helgeson to offer his testimony.

300 Les Helgeson Native Fish Society. Offers testimony regarding HB 2606.

320 Chair Jenson Clarifies what Mr. Helgeson's intent is with the amendments.

325 Helgeson Discusses his intent for the amendments.

335 Ed Bowles Oregon Department of Fish and Wildlife, Fish Division. Offers written testimony (**EXHIBIT C**) in support of HB 2606.

Addresses changes in the proposed amendments.

TAPE 51, A

010 Fred VanNatta Oregon Anglers. Asks for a chance to review the -1 amendment
020 Chair Jenson Indicates that it is not the Chairs intention to move the bill out of committee today, due to its close association with HB 2138 which is still being processed.

025 Rep. Kruse Expresses his concerns for the bill.

035 Chair Jenson Closes the public hearing on HB 2606 and opens a public hearing on HB 3249.

HB 3249 – PUBLIC HEARING

040 Pete Test Committee Administrator. Offers a description of HB 3249.

050 Wayne Giesy Native Fish Conservation Policy Task Force. Offers written testimony (**EXHIBIT D**) in support of HB 3249.

065 Dennis Richey Oregon Anglers. Offers written testimony (**EXHIBIT E**) in support of HB 3249.

170 Phil Donovan Northwest Steelheaders and the Northwest Sportfishing Industry Association. Offers written testimony (**EXHIBIT F**) in support of HB 3249.

255 Chair Jenson Comments on upcoming schedule for the committee.

265 Ed Bowles Oregon Department of Fish and Wildlife. Offers written testimony (**EXHIBIT G**) regarding HB 3249.

320 Rep. Dingfelder Asks for a report which prioritizes the department's hatchery needs.

325 Bowles Points out that the mentioned report is not finished, but he will get a copy of the rough draft for the committee.

330 Rep. Tomei Asks what proportion of the cost of hatcheries is covered by license fees.

345 Bowles Defers to Mr. Thorpe.

355 John Thorpe Oregon Department of Transportation, Fish Propagation Program. Explains the hatchery maintenance is about \$500,000 per biennium.

360 Rep. Tomei Clarifies the figure.

365 Thorpe Further discusses the maintenance costs.

375 Rep. Tomei Clarifies that this is the source of the Licensing Fee.

380 Thorpe Explains that the license fee pay about half the total cost.

385 Chair Jenson Clarifies that the department concurs with numbers presented to

		the committee by Mr. Richey.
387	Bowles	Acknowledges.
390	Chair Jenson	Asks about the modernization numbers presented earlier.
395	Bowles	Comments on the modernization figures.
400	Chair Jenson	Asks how the department got so far behind in maintenance.
405	Bowles	Discusses the issues regarding the high maintenance costs.
TAPE 50, B		
015	Chair Jenson	Comments on the general failure of the state to maintain these facilities.
035	Les Helgeson	Native Fish Society. Offers testimony in opposition to HB 3249.
125	Rep. Schaufler	Asks that ODFW address the concerns expressed by Mr. Helgeson.
135	Bowles	Oregon Department of Fish and Wildlife. Asks what specific concerns Rep. Schaufler would like him to address.
140	Rep. Schaufler	Clarifies the issues he would like addressed.
145	Bowles	Discusses the concerns expressed by Rep. Schaufler, and further clarifies numbers presented by Mr. Helgeson.
175	Rep. Schaufler	Indicates his support for the bill, and points out the returns to the state generated by the hatcheries. Asks whether the department sees the coastal hatcheries becoming obsolete.
185	Bowles	Discusses the future of costal hatcheries.
210	Rep. Kruse	Comments on the important of hatcheries in fish recovery.
235	Chair Jenson	Asks whether the trout production is being considered in the hatchery maintenance.
240	Bowles	Points out the department's numbers include trout production.
245	Chair Jenson	Acknowledges, but points out the importance in considering all fish production.
260	Aubrey Russell	Oregon Trout. Comments on previous testimony regarding the effectiveness of hatcheries.
335	Chair Jenson	Expresses his view that the ineffectiveness of hatcheries may not be as obvious as Mr. Russell indicates.
365	Russell	Comments on the documentation regarding the effectiveness of hatcheries.
380	Chair Jenson	Questions the validity of this documentation.
385	Russell	Further discusses the issue of hatchery effectiveness.
415	Chair Jenson	Closes the public hearing on HB 3249, and opens a work session on HB 3249.

HB 3249 – WORK SESSION

TAPE 51, B

005	Rep. Kruse	MOTION: Moves HB 3249 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
010	Rep. Tomei	Expresses her intent to vote no on the bill due to her concerns for its economic impact.
020	Rep. Kropf	Points out that lottery revenues are up even in this current economic downturn, and discusses the original intent of lottery funds. Indicates that this bill would benefit rural communities greatly.
045	Rep. Flores	Indicates her support for the measure, and discusses her interest in supporting rural economies.
050	Rep. Kruse	Points out that the committee's mandate to consider policy rather than funding.
055	Chair Jenson	Discusses the policy implications of the measure.

065

VOTE: 5-1

AYE: 5 - Flores, Kropf, Kruse, Schaufler, Jenson

NAY: 1 - Tomei

EXCUSED: 1 - Dingfelder

The motion CARRIES.

Chair Jenson

075

Chair Jenson

Closes the work session on HB 3249, and opens a work session on HB 2459.

HB 2459 – WORK SESSION

080 Pete Test

Committee Administrator. Offers a description of HB 2459.

085 Rep. Kruse

MOTION: Moves HB 2459 to the floor with a DO PASS recommendation.

100 Rep. Kruse

Comments on the policy and history of fish hatcheries.

135 Rep. Schaufler

Indicates his intent to vote NO for HB 2459, and further comments on his concerns with the bill.

150 Rep. Kropf

Discusses his support for the measure.

165 Rep. Tomei

Expresses her concerns regarding HB 2459 and her intent to vote NO on the bill.

180

VOTE: 4-2

AYE: 4 - Flores, Kropf, Kruse, Jenson

NAY: 2 - Schaufler, Tomei

EXCUSED: 1 - Dingfelder

The motion CARRIES.

Chair Jenson

KRUSE will lead discussion on the floor.

185

Chair Jenson

Closes the work session on HB 2459, and opens a work session on HB 3555.

HB 3555 – PUBLIC HEARING

190 Pete Test

Committee Administrator. Offers a description of HB 3555.

200 Rep. Kropf

Points out that he is the chief co-sponsor of the bill, and comments on the issue.

210 Ken Evans

K.E.E. Communications/ Fisheries Restoration and Enhancement Coalition. Offers written testimony (**EXHIBIT H**) in support of HB 3555.

280 Rep. Tomei

Asks how revenue bonds work.

285 Evans

Defers to Harrison Conley from the Office of Legislative Council.

300 Harrison Conley

Office of Legislative Council. Defers to Chuck Smith from the Oregon State Treasury.

315 Chuck Smith

Oregon State Treasury, Director of Debt Management. Offers testimony in opposition to HB 3555, indicating the Treasury's concern with the financing mechanism.

360 Chair Jenson

Asks what the upper limit is to the certificate of participation.

365 Smith

Discusses the extent and limitations of the certificate of participation.

385 Rep. Tomei

Clarifies how the bond is paid off.

390 Chair Jenson

Points out that Rep. Tomei's question should be addressed to Mr. Bowles from ODFW.

400 Conley

Responds to Rep. Tomei's earlier question of how revenue bonds work.

TAPE 52, A

020 Ed Bowles

Oregon Department of Fish and Wildlife. Offers written testimony (**EXHIBIT I**) regarding HB 3555.

040 Rep. Tomei

Clarifies that the money is currently used to fund maintenance.

045 Bowles

Discusses the current funding.

060	Rep. Tomei	Offers an analogous situation and clarifies that it would take funding away from maintenance to fund the bonds.
075	Bowles	Comments on the analogous situation offered by Rep. Tomei.
080	Rep. Schaufler	Indicates that he agrees with the intent of the bill, but questions the way in which the bill works.
085	Bowles	Clarifies the proposed intent of the bill.
090	Chair Jenson	Comments on the general maintenance problem regarding hatcheries.
110	Bowles	Comments on the deferred maintenance issue.
120	Chair Jenson	Further discusses the funding issue.
130	Bowles	Points out the funding would either require an increase in fees or a decrease in services.
135	Chair Jenson	Clarifies that the fishing community would be required to pay either way.
136	Bowles	Acknowledges.
140	Rep. Tomei	Comments on, and clarifies the funding issue.
150	Chair Jenson	Concurs with Rep. Tomei, that if the legislature passed the statute without a funding source it would require the department to either absorb the workload or cut other programs to fund the new one.
155	Bowles	Discusses the options which would face ODFW in such a situation.
175	Les Helgeson	Native Fish Society. Offers testimony in opposition to HB 3555.
210	Dennis Richey	Oregon Anglers. Offers testimony regarding HB 3555.
280	Helgeson	Comments on Mr. Richey's testimony.
290	Chair Jenson	Asks Mr. Smith of the State Treasury to address the debt load incurred.
295	Chuck Smith	Oregon State Treasury. Discusses the debt load.
300	Rep. Schaufler	Clarifies Mr. Smith's point.
305	Smith	Acknowledges Rep. Schaufler's clarification.
310	Chair Jenson	Explains his intent to bring the bill back before the committee, and closes the public hearing on HB 3555, and opens a public hearing on HB 2431.

HB 2431 – PUBLIC HEARING

315	Chair Jenson	Closes the public hearing on HB 2431, and opens a public hearing on HB 2800.
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HB 2800 – PUBLIC HEARING

317	Chair Jenson	Closes the public hearing on HB 2800, and opens a public hearing on HB 3407.
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HB 3407 – PUBLIC HEARING

320	Chair Jenson	Closes the public hearing on HB 3407, and opens a public hearing on HB 3478.
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HB 3478 – PUBLIC HEARING

322	Chair Jenson	Closes the public hearing on HB 3478, and opens a public hearing on HB 3477.
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HB 3477 – PUBLIC HEARING

325	Chair Jenson	Closes the public hearing on HB 3477, and opens a public hearing on HB 3519.
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HB 3519 – PUBLIC HEARING

327	Chair Jenson	Closes the public hearing on HB 3519, and opens a public hearing on HB 3597.
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HB 3597 – PUBLIC HEARING

330	Chair Jenson	Closes the public hearing on HB 3597, and opens a public hearing on HB 3598.
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HB 3598 – PUBLIC HEARING

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Chair Jenson

Closes the public hearing on HB 3598, and enters into the record written testimony (**EXHIBIT J**) from Valerie Johnson-Eves of the Save the Salmon Coalition, and adjourns the meeting at 10:27 a.m.

EXHIBIT SUMMARY

- A – HB 3094, -1 amendments, Staff, 1 p.**
- B – HB 2606, -1 amendments, Staff, 3 pp.**
- C – HB 2606, written testimony, Ed Bowles, 1 p.**
- D – HB 3249, written testimony, Wayne Giesy, 1 p.**
- E – HB 3249, written testimony, Denis Richey, 2 pp.**
- F – HB 3249, written testimony, Phil Donovan, 1 p.**
- G – HB 3249, written testimony, Ed Bowles, 1 p.**
- H – HB 3555, written testimony, Ken Evans, 4 pp.**
- I – HB 3555, written testimony, Ed Bowles, 1 p.**
- J – HB 3249, written testimony, Valerie Johnson-Eves, 1 p.**